Exhibit 9

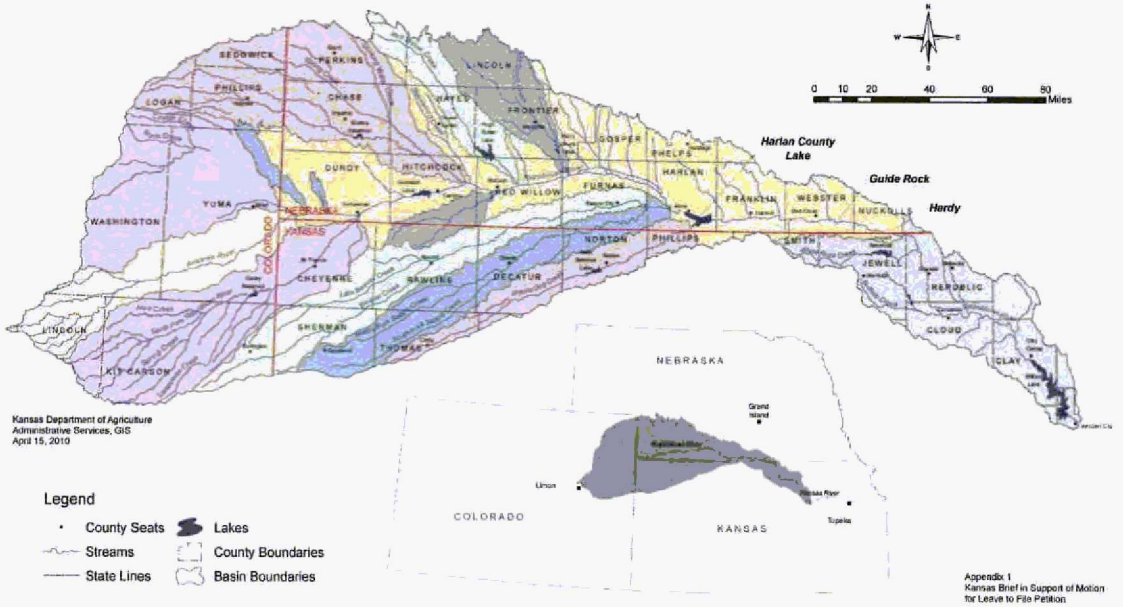
Republican River Compact Enforcement

David Barfield, Kansas Chief Engineer
John Draper, Kansas Counsel

Presentation to the Bureau of Reclamation

September 30, 2010

Republican River Basin



Republican River Compact (1943)

- Compact was formed as a prerequisite for federal flood control and irrigation projects
- Three States: Kansas, Colorado and Nebraska
- Approved by the States, Congress and the President
- Allocates 100 percent of the basin's water supply among the states.
- If one state uses too much, the downstream state is shorted

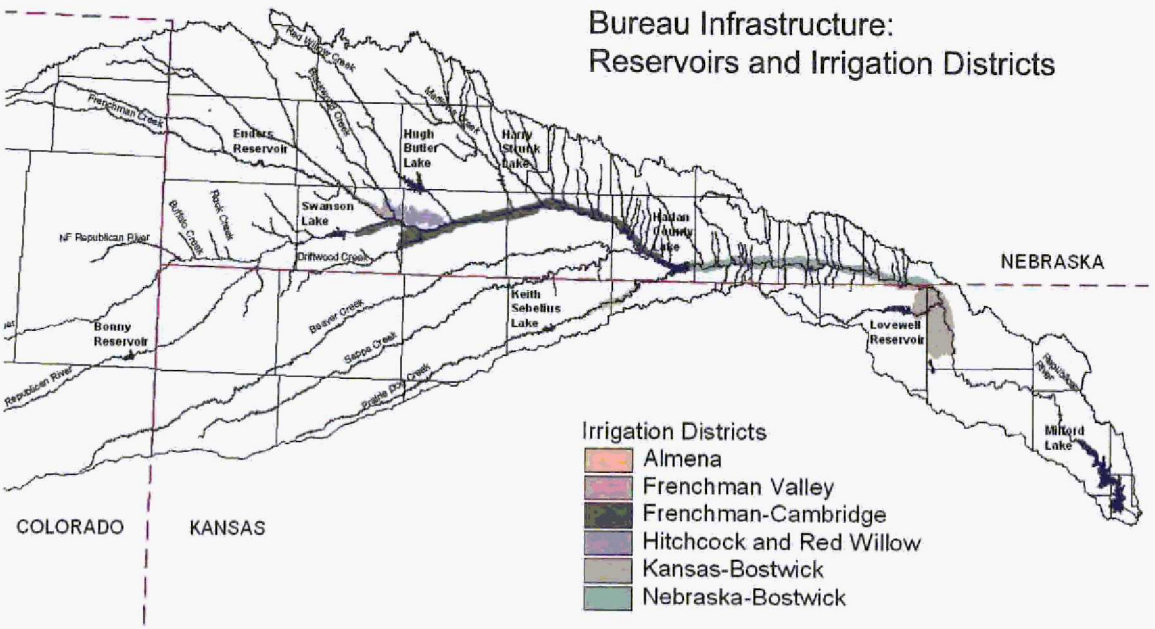
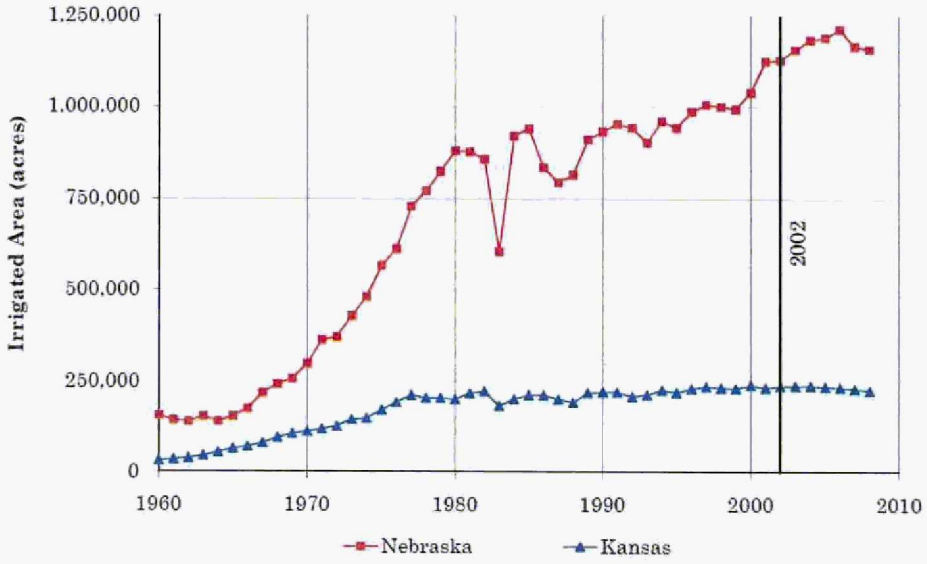
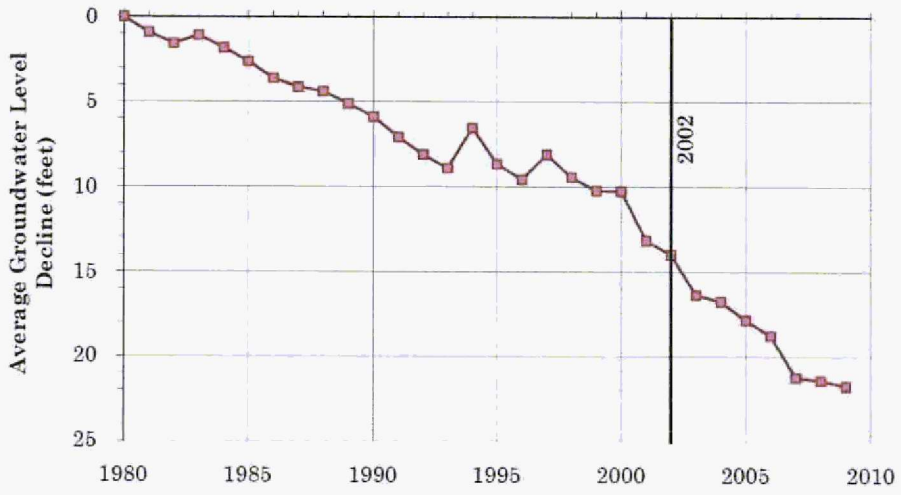


Figure 5
Groundwater Irrigated Area
Republican River Basin, Nebraska and Kansas



Source: Republican River Compact Administration Groundwater Model data.

Figure 2
Average Groundwater Level Decline
Upper Republican Natural Resources District, Nebraska

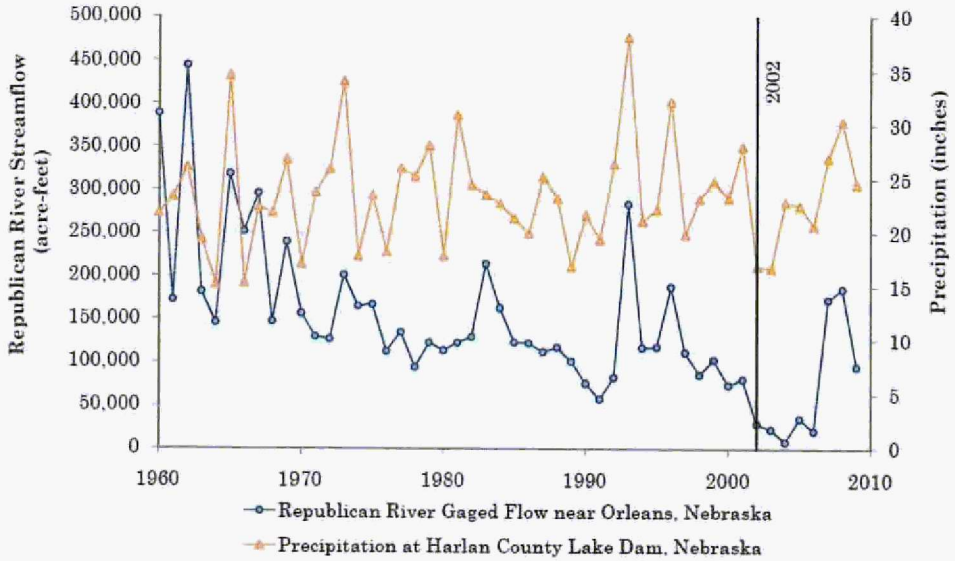


Source: United States Geological Survey National Water Information System
Note: Each data point represents the average for wells with data in 1980 and each corresponding year. Number of observations included in each average value varies from 190 to 238.

Figure 3
Frenchman Creek Annual Streamflow
Upper Republican Natural Resources District, Nebraska

Source: United States Geological Survey (1960 - September, 1994) and Nebraska Department of Natural Resources (October, 1994 - 2009). Gage 06831500 Frenchman Creek near Imperial, Nebraska

Figure 4
Annual Republican River Streamflow [1] and Local Precipitation [2]
Harlan County Lake, Nebraska



Source:
(1) United States Geological Survey Gage 06844500 Republican River near Orleans, Nebraska
(2) United States Bureau of Reclamation precipitation at Harlan County Lake Dam

Compact Enforcement History

Year	Issue
1980s - 1990s	Nebraska begins to overuse its share. Kansas seeks to address concerns via the Compact Administration
1998	Kansas files suit in U.S. Supreme Court. Nebraska asserts that the Compact does not include groundwater.
2000-2002	Court rules that groundwater pumping must be accounted for; States negotiate comprehensive settlement
2003	U.S. Supreme Court approves settlement
Settlement includes clear compact compliance requirements and jointly developed groundwater model/accounting methods	

The Final Settlement Stipulation (FSS)

- Kansas waives damages for pre-2003 violations of the Compact
- Provides methods for quantifying and allocating the water supplies of the Basin, using the RRCA groundwater model
- RRCA Groundwater model cooperatively developed
- Provides calendars of compliance:
  - Normal years: five-year test
  - Water-short years: two-year average test

Nebraska's water management

- Nebraska regulates surface water at the state level, but leaves groundwater to local natural resource districts, or NRD's.
- Under Nebraska law, it is difficult to curtail groundwater pumping to protect senior surface rights (such as the Bureau's).
- Groundwater interests appear to be more powerful than surface water interests in Nebraska, so political reform seems unlikely.

Nebraska's Integrated Management Plans ("IMPs")

- Nebraska is now developing its third round of IMPs.
- Nebraska's latest IMPs continue to protect groundwater pumping.
- Surface water users face curtailment by the State, while groundwater users enjoy a range of options to avoid curtailment.
- IMPs provide that the state may call water through the federal reservoirs to the detriment of the Bureau's projects and Kansas.

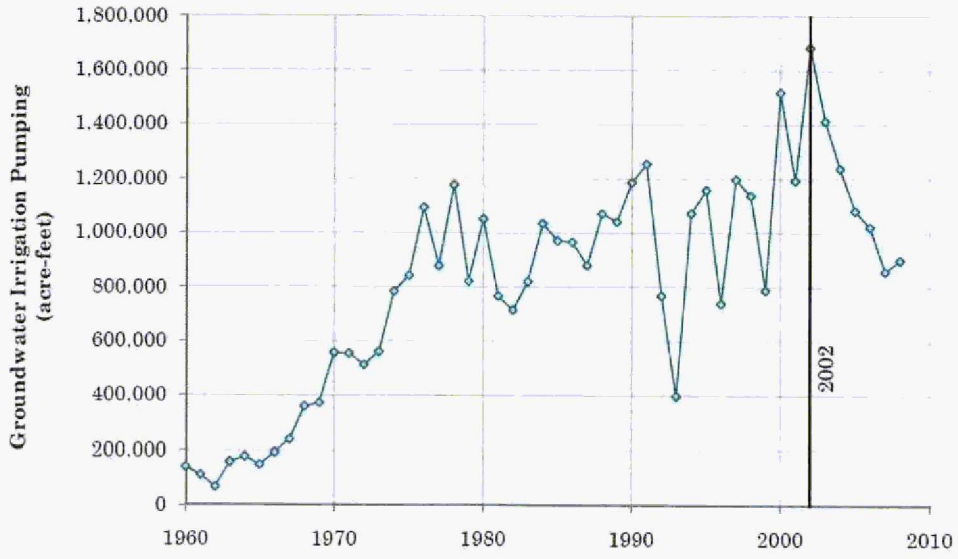
Nebraska violated its first three compliance tests under the FSS:

Year	Nebraska's Overuse
2005	42,860 acre-feet
2006	36,100 acre-feet
Total	78,960 acre-feet

Nebraska Water Short Year Test for 2006

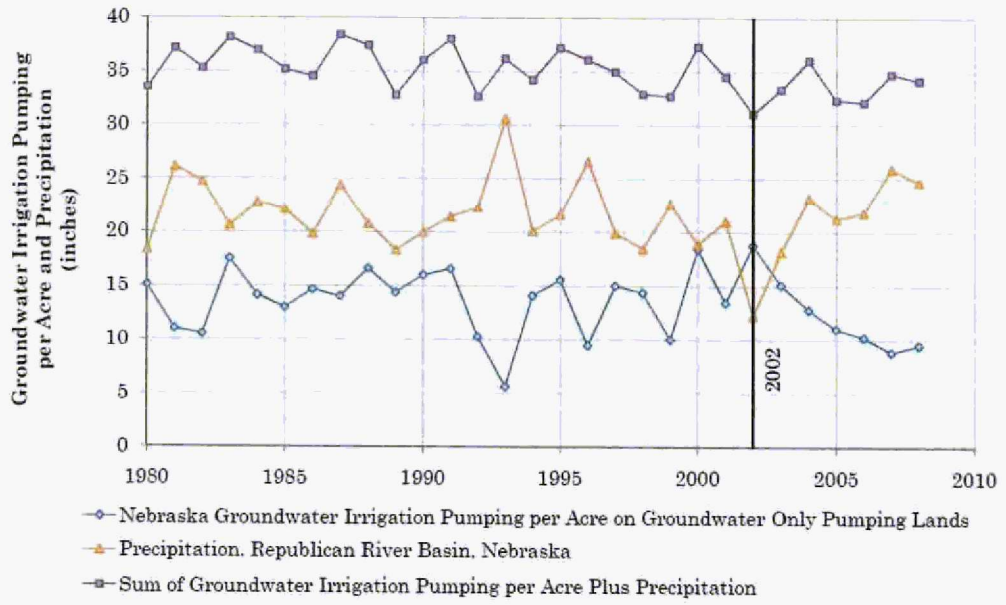
- Nebraska also failed its second water-short year test (2006-2007).
- Nebraska has failed its first five-year test as well (2003-2007) .
- Nebraska had four years to respond to the FSS, but took very limited action despite clear indications of overuse.

Figure 6
Groundwater Irrigation Pumping by Nebraska
Republican River Basin, Nebraska



Source: Republican River Compact Administration Groundwater Model data.

Figure 8
Nebraska Groundwater Irrigation and Precipitation
Republican River Basin, Nebraska

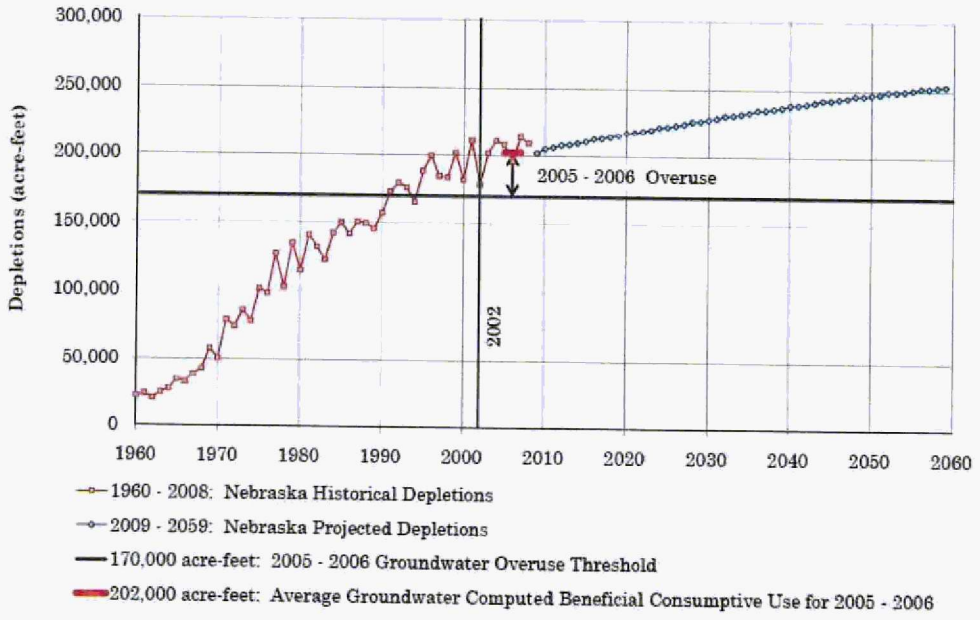


Source: Republican River Compact Administration Groundwater Model data.

Current "compliance" is due principally to wet conditions

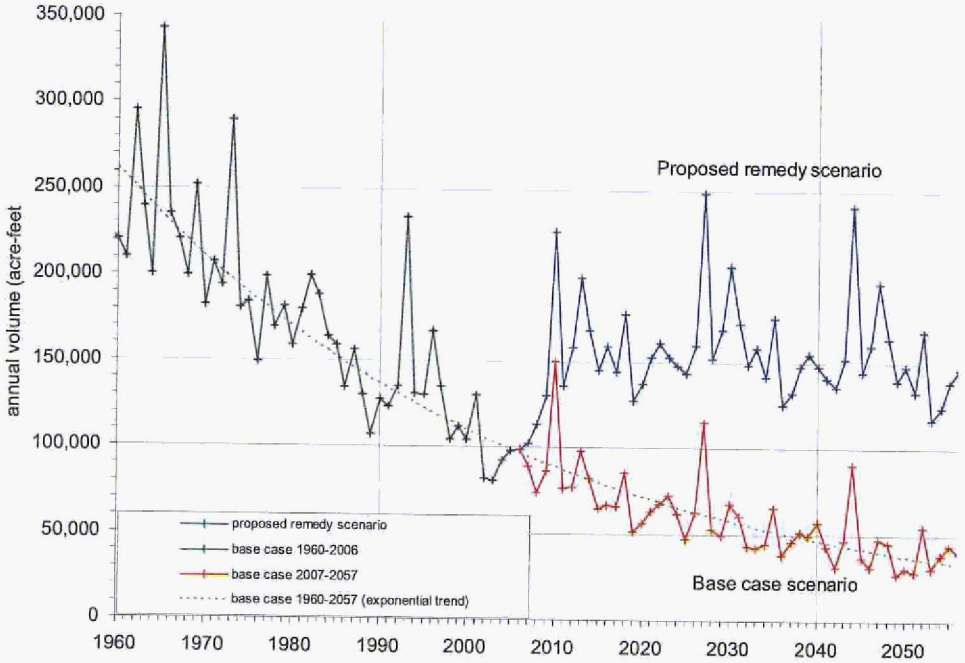
- Water supply and allocation have increased since 2006, disguising Nebraska's increased water use.
- Reductions in pumping since the peak of 2002 correspond with increased precipitation, which has reduced irrigation requirements.
- Depletions to Basin water supply continue to grow.
- Consumptive use in Nebraska remains effectively unchecked.

Figure 7
Depletions of Republican River Streamflow Above Guide Rock, Nebraska
By Nebraska Groundwater Pumping
Historical and Projected



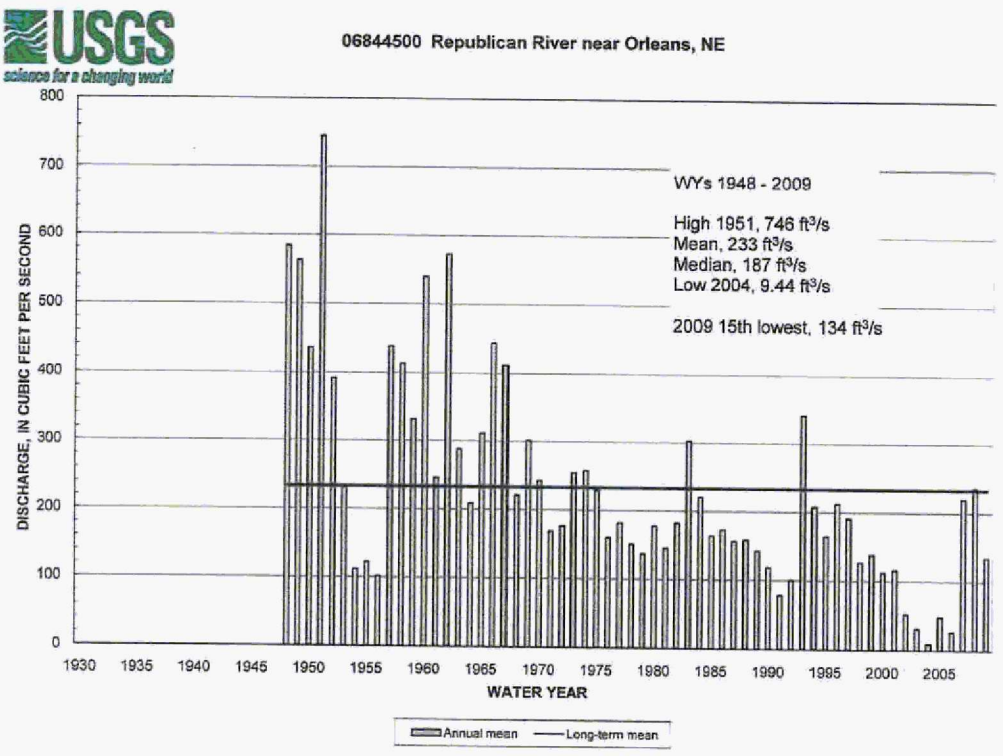
Source:
(1) Historical Depletions - Republican River Compact Administration Groundwater Model results.
(2) Projected Depletions - Republican River Compact Administration Groundwater Model results generally based on average conditions for years 1959 - 2008 and 2003 - 2008 average groundwater pumping per acre.

Baseflows – historic and future; with and without meaningful Nebraska action



The Consequences of noncompliance: Impacts to Basin surface water projects

- Consistent concerns of the Bureau, made most recently at the 2010 RRCA Meeting in Burlington, Colorado
- U.S. Geological Survey report at the 2010 RRCA meeting: despite higher precipitation throughout the Basin, streamflows remain below average
- Surface irrigation districts *in Nebraska* are concerned by Nebraska's plans to comply with Compact by depriving them of water in storage: Frenchman Cambridge Irrigation District, for example



Kansas actions to enforce the Decree

- December 2007 - Kansas begins dispute resolution process before the Republican River Compact Administration (RRCA)
- July 2009 - Non-binding arbitration concluded
- Filing before the US Supreme Court, May 2010

What Kansas is seeking

- Contempt
- Injunction from further violations
- Damages
- Preset sanctions for further violations
- Significant reductions in groundwater pumping or the equivalent
- River Master

Kansas and federal concerns are largely congruent

- Kansas is concerned with the viability of Bureau projects because they are the main means by which we obtain our Compact allocation.
- Kansas is opposed to Nebraska's efforts to bypass federal projects.

Summary

- Nebraska's post-decree actions have been ineffective.
- Nebraska's current actions will not achieve compliance; rather, they will increase lagged depletions, harming Bureau projects and those who depend on them, in both Nebraska and Kansas.
- Litigation in the U.S. Supreme Court is the only option left for Kansas.

Questions?

Exhibit 10

WTR-2.09

KANSAS
WATER OFFICE

Kathleen Sebelius, Governor
Tracy Streeter, Director

www.kwo.org

NAME	INITIAL	ACTION	DATE
Tom			
Steve			
Mike			
Jack			

REMARKS:

August 24, 2007

Alice Johns
U.S. Bureau of Reclamation
PO Box 1607
Grand Island, NE 68802-1607

Dear Ms. Johns:

Enclosed are the proposed lake level management plans for water year 2008 for Kansas lakes. The Kansas Water Office corresponded via electronic mail, phone, and in person on February 27, 2007 with the Kansas City and Tulsa Districts of the Corps, Bureau of Reclamation, Kansas Department of Wildlife and Parks, and Kansas Department of Agriculture Division of Water Resources to establish guidelines for the upcoming water year.

The proposed plans were developed by the respective lake managers after meeting with interested parties and considering previous years' plans and guidelines provided by the above group.

I ask that these proposed plans be viewed as guidance and not hard deadlines. The beginning and end dates of drawdowns and rises should remain flexible in order to accommodate conditions at each reservoir and maximize the lake manager's ability to meet the goals of the proposed plan.

As discussed during our kick-off meeting on February 27th and in the LLMP guidance document, statute limits the amount of water that can be provided as surplus water in any one calendar year to 10% of the yield capacity, unless the Governor has declared an emergency that affects the public, health, safety or welfare. The submitted proposals for both John Redmond and Elk City reservoirs requested a drawdown that exceeds the quantity for surplus water. We proposed to reduce the drawdown for these reservoirs to ensure we remain in compliance with statute.

If you have any questions about these proposed plans, please contact me or Earl Lewis. I can be reached via phone at (785) 296-1007 or via e-mail at smetzger@kwo.state.ks.us. Earl can be reached via phone at (785) 296-3185 or via e-mail at elewis@kwo.state.ks.us.

Sincerely,

S. Metzger

Susan Metzger
Environmental Scientist

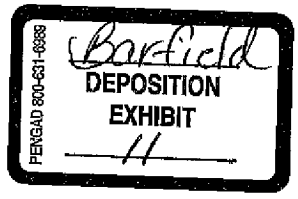
SM:ms

Attachments Available

070855

901 S. Kansas Avenue, Topeka, KS 66612-1249 • Phone: (785) 296-3185 • Fax: (785) 296-0878

Exhibit 11



No. 126, Original

In the
SUPREME COURT OF THE UNITED STATES

STATE OF KANSAS,
Plaintiff
v.

STATE OF NEBRASKA and
STATE OF COLORADO,
Defendants.

Before Special Master William J. Kayatta, Jr.

Future Impacts of Pumping on Ground Water Consumptive Use

Expert Report of Samuel P. Perkins[1] and Steven P. Larson[2]

[1]Civil Engineer, Interstate Water Issues, Kansas Dept. Of Agriculture, Div. of Water Resources;
[2]S. S. Papadopulos & Associates, Inc., Bethesda, MD.

November 18, 2011

of the four particularly dry years occurred in the sequence of annual values. The calculated GWCBCU values for each of these particularly dry years were collected for each future year in the analysis and were statistically characterized. The median of the collected values for each year shows an increasing trend of about 700 acre-feet/year per year (see Figure 6). Over the 40-year study period, this trend increased to a GWCBCU of about 218,000 acre-feet after 40 years. Our analysis included one of those particularly dry years, 2002. Each time that dry year occurred in the repeated cycle of hydrologic conditions in our analysis, GWCBCU declined to a local minimum along the generally increasing trend of annual values of GWCBCU. During the third cycle, at the 38th year of the future calculations (with 2002 hydrologic conditions), the GWCBCU was calculated in our analysis at a little less than 222,000 acre-feet. This value is only a few percent greater than the value shown by the trend after 40 years of median values for particularly dry years in the Nebraska analysis.

The comparisons described above demonstrate that the repeated 15-year cycle of hydrologic conditions for the historical years 1995 through 2009 provide a reasonable surrogate for future hydrologic conditions for the purpose of evaluating Nebraska's future GWCBCU and IWS credit using the RRCA Groundwater Model.

Additional Calculations

At the request of David Barfield, we have conducted several calculations of future Nebraska GWCBCU using the RRCA Groundwater Model under various assumptions regarding the nature and duration of future pumping curtailment in Nebraska. Specifically, three different pumping curtailment scenarios were evaluated. The first scenario calculated the impact of reducing the overall pumping in the three NRDs (UR, MR and LR NRDs) to an average of 75% of the historical average pumping during the years 1998 through 2002. In the second scenario, future pumping was removed (100% curtailment) from the Rapid Response Region (the area referred to as the 10-percent/2-year response area) defined in the NRD IMPs for each future year. In the third scenario, future pumping was removed (100% curtailment) from the Rapid Response Region for each future year corresponding to historical years 2002 through 2007 (a 6-year curtailment period during each 15-year future cycle).

Table 7 and Figure 7 tabulate and illustrate, respectively, the calculated future Nebraska GWCBCU results for the first scenario. For convenience, the results for the baseline conditions using an average of 80% of the historical average pumping during the years 1998 through 2002 have been included on the table and figure. The difference in calculated GWCBCU between the baseline using 80% of average pumping for the period 1998 through 2002 and the 75% scenario are tabulated in Table 7 and shown graphically on Figure 7a.