

**SECOND AMENDMENT
TO THE RESOLUTION
CONCERNING AN OFFSET ACCOUNT
IN JOHN MARTIN RESERVOIR FOR COLORADO PUMPING**

WHEREAS, the Arkansas River Compact Administration and the authorized representative of the Chief of Engineers of the U.S. Army Corps of Engineers, on March 17, 1997, jointly approved a Resolution Concerning an Offset Account in John Martin Reservoir for Colorado Pumping [hereinafter the "Offset Account Resolution"]; and

WHEREAS, the States of Colorado and Kansas desire to modify the language of paragraph 5.B of the Offset Account Resolution to conform more closely to the usable flow analysis used with the Kansas Hydrologic-Institutional Model approved in Kansas v. Colorado, 514 U.S. 673 (1995);

NOW THEREFORE BE IT RESOLVED that the Administration and the Chief of Engineers of the Corps of Engineers, or his duly authorized representative, jointly approve the following amendment to the Offset Account Resolution:

1. The last sentence of paragraph 5.B of the Offset Account Resolution is amended to read as follows:

For the summer storage season in the Reservoir (April 1 - October 31), the Colorado State Engineer shall assume that net depletions to usable Stateline flows are 81.9 percent of the net stream depletions at the Stateline, and for the winter storage season (November 1 - March 31), the Colorado State Engineer shall assume that net depletions to usable Stateline flows are 34.9 percent of the net stream depletions at the Stateline; provided that

~~if the monthly Stateline flow exceeds 30,000 acre feet during the summer storage season or 7,500 acre feet during the summer storage season, if 72 percent of the measured monthly Stateline flow exceeds 30,000 acre-feet, or during the winter storage season, no depletion to usable Stateline flows 25 percent of the measured monthly Stateline flow exceeds 7,500 acre-feet, the Colorado State Engineer shall be determined~~assume that net depletions to usable Stateline flows are 9.9% of the net stream depletions at the Stateline for such months for the purpose of this paragraph. In addition, if, during the summer storage season, 72% of the measured Stateline flow, limited to 30,000 acre-feet per month, exceeds 140,000 acre-feet, then the Colorado State Engineer shall assume that net depletions to usable Stateline flows thereafter within that summer storage season shall be 9.9% of the net stream depletions at the Stateline. The computation of depletions to usable Stateline flows described in this paragraph shall only be for the purpose of assigning the evaporation charge for water stored in the Offset Account.

JOINTLY APPROVED:

Larry L. Johnson
Chairman
Arkansas River Compact
Administration

Mary Louise Clay
Recording Secretary
Arkansas River Compact
Administration

Lloyd S. Waque
District Engineer
Albuquerque District
Duly Authorized Representative of
the Chief of Engineers
U.S. Army Corps of Engineers

30 March 98
Date

[BBD]KAN-SECOND-RESOLUTION