

# ARKANSAS RIVER COMPACT ADMINISTRATION

Lamar, Colorado 81052

For Colorado

Chairman and Federal Representative

For Kansas

Jennifer Gimbel, Denver

Robin Jennison

David Barfield, Topeka

Colin Thompson, Holly

Healy, Kansas

Randy Hayzlett, Lakin

Matt Heimerich, Olney Springs

David A. Brenn, Garden City

## Resolution 2008-3

### Action on Special Engineering Committee Recommendation "G"

**WHEREAS**, the Arkansas River Compact Administration (the Administration or ARCA) created a Special Engineering Committee (the Committee) by means of Resolution No. 2005-1 and directed the Committee to develop recommendations to ARCA to reduce or eliminate disputes between the States, and ARCA extended the term of the Committee by Resolution Nos. 2006-7 and 2007-4; and

**WHEREAS**, Colorado has delivered 3,062 acre-feet to the Kansas Section II account as restitution for the past deficits accumulated during Compact Years 1996 through 2006 in accordance with paragraph C of Recommendation G of the Special Engineering Committee attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** that the Administration hereby adopts the recommendations in the attached Recommendation G of the Special Engineering Committee, **EXCEPT** that all references to Reports of the Colorado State Engineer Concerning Accounting of Operations of an Offset Account in John Martin Reservoir for Colorado Pumping (Offset Account Reports) are excluded from approval by this Resolution, and **EXCEPT** that the proviso to be added to the cover page of each Annual Report of the Operations Secretary referred to in paragraph A.3 of Recommendation G shall be modified to read as follows:

The Annual Reports of the Operations Secretary for Compact Years 1994 through 2005 have been approved by the Arkansas River Compact Administration with the following proviso:

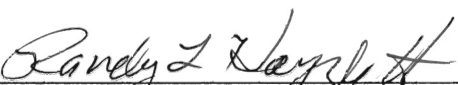
The values and operations in this report have been in dispute. An addendum report, dated December 9, 2008, contains the revised values that have been determined through agreement by the States. However, while Kansas and Colorado have agreed that accounting prior to 2006 will not be otherwise revised, Kansas does not waive any claim for past damages or restitution of water on the unresolved, disputed issues of upstream storage during spills and Agreement B.

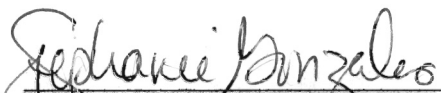
and;

**BE IT FURTHER RESOLVED THAT** the subject of Offset Account Reports is hereby referred to the Special Engineering Committee for further consideration, and;

**BE IT FURTHER RESOLVED THAT** that the addendum referred to in paragraph A.1 of Recommendation G is attached hereto and is entitled "Addendum to the 1994 – 2005 Reports of the Operations Secretary," dated December 9, 2008.

**ADOPTED** by the Arkansas River Compact Administration this 9th day of December 2008, at the annual meeting of ARCA held in Lamar, Colorado

  
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Randy Hayzlett, Vice-Chairman  
Arkansas River Compact Administration

  
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Stephanie Gonzales, Recording Secretary  
Arkansas River Compact Administration