

SETTLEMENT OF CLAIMS REGARDING COLORADO'S PAST  
USE OF WATER UNDER THE REPUBLICAN RIVER COMPACT

WHEREAS, the Republican River Compact (Compact) equitably apportions the waters of the Republican River Basin among the States of Colorado, Kansas, and Nebraska (States); and

WHEREAS, Congress approved the Compact in 1943, 57 Stat. 86 (1943); and

WHEREAS, the States entered into a Final Settlement Stipulation (FSS), dated December 15, 2002, to resolve pending claims brought by Kansas against Nebraska in the Supreme Court of the United States regarding the Compact in the case of *Kansas v. Nebraska and Colorado*, No. 126 Original; and

WHEREAS, the FSS was approved by decree of the Supreme Court of the United States on May 19, 2003, 538 U.S. 720 (2003); and

WHEREAS, Nebraska and Colorado now wish to resolve disputes over Colorado's past use of water under the Compact and FSS and to continue into a new era of cooperative management of the waters of the Republican River Basin.

NOW THEREFORE BE IT AGREED,

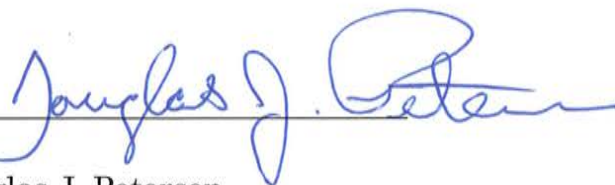
1. Contingent upon appropriation by the Colorado General Assembly during the 2018 legislative session, Colorado shall pay Nebraska \$4 million;
2. In consideration for that payment Nebraska agrees to waive and to be forever barred from bringing all claims against Colorado for violations of the Compact and the FSS for any accounting period ending on or prior to December 31, 2013;
3. By entering into this settlement agreement, Colorado does not admit to violating the Compact. Furthermore, the amount of payment was the subject of negotiation among Colorado and Nebraska, does not constitute a valuation of water in any of the States, and may not be used by them as evidence of the value of water in any future dispute in the Republican River Basin or any other basin; and
4. Failure by Colorado to pay Nebraska under this settlement agreement by December 31, 2018 shall release Nebraska from any waiver of claims and shall release Colorado and Nebraska from any other obligations under this settlement agreement.

The undersigned Governors and Attorneys General for the States of Colorado and Nebraska, having authority to commit the States to a settlement of claims, hereby commit the States to the terms of this settlement agreement.

Fully executed on this 31 day of January, 2018.

/s/ 

Pete Ricketts  
Governor, State of Nebraska

/s/ 

Douglas J. Peterson  
Attorney General, State of Nebraska

/s/ 

John W. Hickenlooper  
Governor, State of Colorado

/s/ 

Cynthia H. Coffman  
Attorney General, State of Colorado

By:  \_\_\_\_\_

ROBERT JAROS, CPA, MBA, JD (or designee)

Colorado State Controller