

Arkansas River Compact Administration Resolution No. 2005 - 1 Regarding Creation of a Special Engineering Committee

WHEREAS, the States of Colorado and Kansas, acting through the Arkansas River Compact Administration (hereinafter "ARCA") and ARCA's Operations Committee have been unable to resolve certain accounting and interpretation issues arising from the Resolution Concerning an Operating Plan for John Martin Reservoir (hereinafter "1980 Operating Plan"); and

WHEREAS, the States have successfully resolved numerous technical issues relating to hydrologic modeling in the Kansas v. Colorado litigation through negotiation between a small group of technical experts; and

WHEREAS, the States want to resolve the issues related to the 1980 Operating Plan in a similar manner, and believe a new committee of ARCA may be best able to discuss and reach agreement on those conflicts; and

WHEREAS, Article V.5. of the Bylaws of ARCA provides that: "The Administration may, From time to time, create special committees composed of such members of the Administration and others as it may determine and assign to such committees such tasks as the Administration may designate."

NOW THEREFORE, BE IT RESOLVED that, pursuant to Bylaw Article V.5., the Arkansas River Compact Administration does hereby create the "Special Engineering Committee". The "Special Engineering Committee" shall operate according to the terms of ARCA's bylaws and the following additional provisions:

Special Provisions for ARCA Special Engineering Committee

1. Members of Committee: Each State shall designate two members to serve on the Special Engineering Committee (occasionally referred to as "Committee"), one of whom must be a member of the Administration. The Federal Representative and Chairman of ARCA shall be an ex-officio member of the Committee.

2. Term: The Special Engineering Committee is authorized for a period expiring on Dec. 31, 2006. ARCA may extend this period by Resolution adopted at any regular or special ARCA meeting prior to such date.

3. Meeting procedures: The Special Engineering Committee shall establish its own procedures for conducting its business. To the extent possible, notice of meetings shall be as provided for in the ARCA by-laws. However it is expressly agreed that the Committee may meet in private and without notice, and that no written record of its activities is required. A quorum for meeting purposes shall consist of two members, one from each state, and the Federal Representative need not be in attendance. Committee members shall communicate with their respective delegations regarding deliberations of the Committee.

4. Recommendations: The function of the Special Engineering Committee shall be to develop recommendations to ARCA which upon adoption will reduce or eliminate disputes between the States. The Committee may package its recommendations as "all or none" or in any other combination that protects the respective mutual benefits that each state has obtained through the Committee process. No agreement reached by the Committee shall be effective until adopted by ARCA.

5. Assigned Tasks: The Special Engineering Committee is hereby assigned the following tasks:

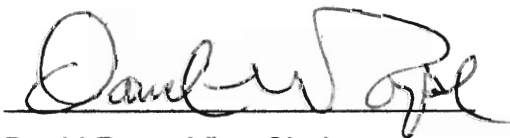
a. To develop recommendations on the resolution of the remaining issues set out on the table prepared by the Operations Committee entitled "JMR Accounting Issues", dated April 2005.

b. To review and provide recommendations on the revision and approval of all Annual Reports of the Operations Secretary for Compact Years 1994 - 2004, including the status of the Report for Compact Year 2005 if not approved by ARCA at the December 2005 Annual Meeting.

c. To provide guidance to the Administrative and Legal Committee, and its designee, on preparing drafts of the Annual Reports of the Administration for those years where accounting disputes appear to be resolved and for years where, absent such agreement, in the Special Engineering Committee's opinion a dual set of accounting should be displayed.

d. To develop recommendations on the resolution of any other accounting, operation, or interpretation issue arising under the 1980 Operating Plan if properly referred by the Operations Committee.

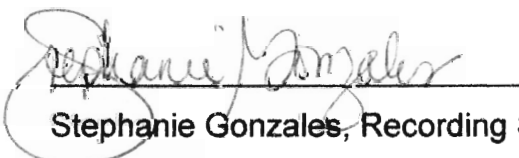
Adopted by the Arkansas River Compact Administration at its Compact Year 2005 Annual Meeting on December 13, 2005 in Lamar, Colorado, which date shall also be the effective date.



David Pope, Vice-Chairman
Arkansas River Compact Administration

12-13-2005

Date



Stephanie Gonzales, Recording Secretary,
Arkansas River Compact Administration

12-13-2005

Date