

WHEREAS, the State of Colorado is signatory to the South Platte River Compact, C.R.S. Section 37-65-101, et seq., executed on behalf of the State on the 27th day of April, 1923. The South Platte River Compact divides and apportions the water of the South Platte River between the State of Colorado and the State of Nebraska.

WHEREAS, the State of Colorado is subject to a decree of the United States Supreme Court regarding the use of the waters of the North Platte River. *Nebraska v. Wyoming*, 325 U.S. 589, 65 S.Ct. 1332, 89 L.Ed. 1815 (1945) as amended.

WHEREAS, the South Platte River Compact and the decree in *Nebraska v. Wyoming* limit the use of the waters of the South Platte and North Platte Rivers within the State of Colorado.

WHEREAS, the State of Nebraska, in the case of the South Platte River, and the States of Wyoming and Nebraska, in the case of the North Platte River, are entitled to use such waters of the South and North Platte Rivers, respectively, which flow out of the State of Colorado in accordance with the requirements of the South Platte River Compact and the decree in *Nebraska v. Wyoming*.

WHEREAS, all water which is not required to flow out of Colorado under the South Platte River Compact and the decree in *Nebraska v. Wyoming* is available for diversion and beneficial use within the State of Colorado.

WHEREAS, the State of Colorado is signatory to the 1922 Colorado River Compact and the 1948 Upper Colorado River Compact under which Colorado may use such waters within the State of Colorado pursuant to Colorado Water Law. By law, water users have the right and may use, reuse, and successively use to extinction water imported from the Colorado River into other river basins within the State of Colorado.

WHEREAS, the United States Fish and Wildlife Service (“U.S.F.W.S.”) has listed the whooping crane, piping plover, least tern, and pallid sturgeon under the federal Endangered Species Act, and has designated critical habitat for the whooping crane pursuant to the Endangered Species Act. These species, and the designated critical habitat, are located in the Central Platte Region of the State of Nebraska.

WHEREAS, the State of Colorado is a signatory to a Cooperative Agreement between the States of Colorado, Wyoming, and Nebraska, and the United States Department of the Interior for the purpose of developing a program to protect and improve habitat for the endangered and threatened species, originally executed on July 1, 1997, and which was extended twice and which expires on October 1, 2006.

WHEREAS, the Bureau of Reclamation has issued a Final Environmental Impact Statement, and the U.S.F.W.S. has issued a final Biological Opinion, analyzing the Platte River Recovery Implementation Program (“Program”).

WHEREAS, the Bureau of Reclamation is expected to issue a final Record of Decision (“ROD”), in support of the Program.

WHEREAS, the State of Colorado and Colorado water users will benefit from the regulatory certainty associated with the Program.

WHEREAS, the State of Colorado recognizes the value in recovering threatened and endangered species and supports the Program and the Adaptive Management Plan as a measured effort towards this goal.

NOW THEREFORE BE IT RESOLVED that the Colorado Water Conservation Board:

1. Encourages the State of Colorado to: continue to cooperate with the States of Wyoming and Nebraska and the United States Department of the Interior; and, take appropriate actions, such as negotiating an interim cooperative agreement that will allow the States and the federal government to cooperatively lay the foundation for the Program until the Program becomes effective.
2. Recommends that the Governor of the State of Colorado sign the Program agreement.
3. Encourages the States of Wyoming and Nebraska and the United States Department of the Interior to sign the Program agreement.
4. Supports the passage of Senate Bill 3611, and any other subsequent legislation that would federally authorize the Program, as well as any other legislation that would appropriate federal funds for the Program.
5. Continue to work with the South Platte Water Related Activities Program, Inc. (“SPWRAP”) and develop appropriate Memoranda of Understanding to assure that Colorado will be able to meet its obligations should the Program become effective.