

Republican River Compact Administration (RRCA)

Current Events and FAQs

- The three states, Nebraska, Kansas, and Colorado, have been meeting monthly for the past three years to collaboratively manage the Republican Basin's (Basin) water resources under the Republican River Compact.
- The August 2016 Resolution among the three states contains an accounting change that helps Nebraska by allowing more opportunities for our Compact compliance calculation to use five-year averaging at the streamflow gage near Hardy, Nebraska instead of two-year averaging at Guide Rock.
- This ability to use five-year rather than two-year accounting is resulting in a benefit to Nebraska in 2017, as the triggers set in the approved resolution have been met; therefore, the five-year average accounting at Hardy will apply rather than the 2-year averaging at Guide Rock.
- Recently, on May 25th, the Republican River Compact Administration (RRCA) approved all Compact inputs and accounting tables for 2007 – 2015. This brings to a conclusion long outstanding RRCA business items.
- The Department of Natural Resources (NeDNR) will continue to monitor the water supplies and uses within the Basin and provide an update in the fall of 2017, noting any actions needed for Compact compliance.

Republican River Compact Administration (RRCA)

Current Events and FAQs

A theme of similar questions have emerged from the improved water supply conditions of 2017. These questions along with response are provided below under "Frequently Asked Questions." For clarification and context, it is important to note the difference in the Water-Short Year designation under the Compact and the Compact Call Year designation that is the result of Nebraska's integrated management plans.

- The **Water-Short Year** designation (based on water supply in Harlan County Lake that is available for irrigation) made on or before each July normally determines the accounting point (allocation upstream of Hardy or only the more limited allocation upstream of Guide Rock) and the averaging period (two-year or five-year) that the states must use for Compact accounting, as defined by the Final Settlement Stipulation (FSS) in 2002. However, the August 2016 Resolution provides additional conditions in which five-year averaging at Hardy can be used instead of two-year averaging at Guide Rock
- A **year** is designated by the state of Nebraska as a **Compact Call Year** by January 1 of each year if there is the potential for non-compliance by Nebraska with the Compact if sufficient controls or management actions are not taken. This designation remains in place for the entire calendar year although the level of management actions by NRDs and NeDNR may be reduced or eliminated if certain Compact accounting outcomes are realized.

Frequently Asked Questions:

1. What happens to the balance of Nebraska's Remaining Compact Compliance Volume (RCCV) from the 2015-2016 accounting period now that two-year averaging does not apply to 2017?
 - RCCV is the portion of Nebraska's Compact obligation for a previous year that has been retained for Kansas' use in a subsequent Compact Call Year. Because this is a **Compact Call Year**, Kansas can still request RCCV (9,300 acre-feet) this fall, or else the RCCV will carry over to next year. When a year is not designated a **Compact Call Year** by NeDNR we would follow Provision 10 of the RRCA "Resolution Approving Long-Term Agreements Related to the Operation of Harlan County Lake for Compact Years," adopted August 24, 2016,

*"Should the balance of the RCCV be greater than zero on January 1 of any year not designated as a **Compact Call Year**, then the balance shall immediately be*

Republican River Compact Administration (RRCA)

Current Events and FAQs

reduced by 20%, and an equal volumetric reduction shall be applied to the balance of the RCCV on January 1 of each of the four subsequent years."

2. Is there any benefit to Nebraska now that two-year averaging is not required?

- It largely depends on what happens in the next year. If two-year averaging is required next year then the 2017-2018 average would still require the same amount of total management actions.

If two-year averaging is not required next year and it is not a **Compact Call Year** then management actions that would otherwise be necessary this fall or in 2018 to comply with the two-year averaging test would likely be unnecessary. The Compact compliance would be measured with the typical five-year averaging period and Nebraska would be able to use its entire allocation upstream of Hardy for determining compliance.

3. Can Kansas call for water in the fall (RCCV or other) if two-year averaging is not required? What about if it is not a Compact Call Year?

- YES. Kansas can request both Compact Compliance Volume (Nebraska's unmet Compact obligation in any period) and RCCV in the fall of a **Compact Call Year** regardless of whether or not two-year averaging is required. This means that Kansas can call for RCCV water in the fall of 2017 under the terms of the Resolution. Kansas **cannot** call for RCCV in a **non-Compact Call Year**.

4. Does Nebraska get out of a Compact Call Year if two-year averaging is not required? Or does a Compact Call Year last the entire year regardless?

- Nebraska does not get out of a Compact Call Year even if two-year averaging is not required. The **Compact Call Year** applies for the entire calendar year. However, the required management actions (water administration, augmentation, etc.) this fall would be reflective of only those that are necessary to satisfy the five-year averaging requirements and the requirements of the Resolution. Moreover, Nebraska's Compact obligations under the latest RRCA Resolution cannot exceed those that existed prior to the Resolution.

Republican River Compact Administration (RRCA)

Current Events and FAQs

5. Is it possible for it to be a Water-Short Year, but without the requirement for two-year averaging??
- YES. A Water-Short Year is in effect during years which the projected or actual irrigation supply is less than 119,000 acre-feet from Harlan County Lake ("FSS 119,000" in the figure below). Additionally, if the projected or actual irrigation supply is less than 130,000 AF, water administration between Harlan County Lake and the Guide Rock streamflow gage remains in place for the Compact.
 - Because of the new flexibility through the August 2016 Resolution, two-year averaging is only required when, on or before June 30, the sum of all the water available for irrigation from Harlan County Lake, the Remaining Compact Compliance Volume, and the volume in the Kansas Supplemental Account, is less than 119,000 acre-feet; and the sum of the Kansas Account and Kansas Supplemental Account is less than 68,000 acre-feet ("Resolution 119,000" and "Kansas Account (Resolution) 68,000" in the figure below, respectively). Otherwise, compact accounting for compliance switches to the 5-year average at the Hardy streamflow gage.

Triggers for FSS Water-Short Year and Compact Accounting Water-Short Years, as described above

