



Perkins Chase and
Dundy Counties
Headquarters in Imperial

Upper Republican NATURAL RESOURCES DISTRICT

P.O. Box 1140
511 East 5th St.
Imperial, NE 69033
Phone 308-882-5173
308-882-5584
FAX 308-882-4521

Landmark Compact Agreement Reached By KS, CO, NE

Two years of cooperation and negotiations among the three states party to the Republican River Compact have resulted in a landmark agreement that provides Nebraska more flexibility in meeting Compact obligations while assuring water users of supplies they are entitled to under the 74-year old interstate water agreement.

The resolutions approved by Nebraska, Kansas and Colorado earlier this week during meetings in Burlington, Colo. include measures that will limit the amount of water Nebraska provides to Kansas via stream flow augmentation projects and other measures to what Kansans actually need and can use. Previously, volumes of water stored in Harlan County Lake for use by Nebraska's downstream neighbor were based solely on complicated formulas that produced estimates of how much water the Upper, Middle and Lower Republican NRDs needed to generate to maintain compliance with the Compact and related settlement agreement.

Under the new agreement, those estimates will still be made – but any amounts that exceed what the states agree is actually needed by Kansas in a Compact Call Year will not be delivered in that year. Instead, those volumes may be delivered by Nebraska to Kansas in future years, if indeed it is determined that the water is needed by Kansas water users. While the agreements benefit Nebraska by potentially reducing management actions such as augmentation pumping, they also aid Kansas water users: Water that otherwise would be provided by Nebraska at times Kansas didn't need it so wouldn't use will instead be provided only when it is determined that the water will be beneficially used by Kansas.

“For years, Nebraskans have asked that Nebraska and Kansas come to the table and negotiate sensible agreements based on the actual needs of water users and the desire to make the most efficient use of water in the Basin,” said Jasper Fanning, general manager of the Upper Republican NRD in Imperial, Neb. “Representatives from Nebraska, Kansas and Colorado should be lauded for doing exactly that in reaching these agreements.

Combined with augmentation projects the NRDs have implemented, this agreement creates a new era of interstate water management in the Basin where Compact compliance is assured and achieved in a common-sense manner.”

Compliance water not needed and therefore not sent to Harlan County Lake for use in Kansas will not increase the occurrence of Water Short Year Accounting when Nebraska needs to augment stream flow and take other actions to maintain compliance. The so-called Water Short Years are triggered when the amount of deliverable water from the lake is limited. Under the new agreement, compliance water not delivered to Kansas but that is available for future use will not reduce the estimated, available water supply used to determine whether Water Short Year accounting is in place.

The resolutions also establish a commitment by the three states to coordinate with the U.S. Bureau of Reclamation and irrigation districts within each state to establish water-use accounts for both Kansas and Nebraska in Harlan County Lake. Clear procedures for annually forecasting and identifying water management needs well in advance upcoming irrigation seasons are also established by the resolutions. And there is a commitment among the three states to transparency, data-sharing and continued dialogue through the implementation of the resolutions.

“These resolutions represent a long-term strategy for representing each state and ultimately improving water management for water users in all three states,” said Nebraska Governor Pete Ricketts.

Signed in 1942, the Republican River Compact allocates the waters of the Republican Basin 49% to Nebraska, 40% to Kansas and 11% to Colorado. The Republican Basin begins on the plains of eastern Colorado and flows through northwest Kansas and southern Nebraska, ultimately returning to Kansas.