

## **GOVERNOR MUST STEP IN AND DEFEND REPUBLICAN RIVER BASIN IRRIGATORS AND COMMUNITIES**

Back on May 19, 2003, in a press release on the settlement of the Kansas v. Nebraska lawsuit, then Governor Johanns said, "Nebraska is pleased this litigation has been brought to a satisfactory conclusion." Attorney General Jon Bruning actually said, "This is a great day for Nebraskans." As Nebraska irrigators today ponder their uncertain future under the onerous terms of the settlement, those upbeat reviews by our leaders two years ago raise the hackles of us all.

Since the settlement agreement, the natural resources districts in the Republican River Basin have instituted strict groundwater pumping allocations in a good faith effort to help the state comply with the settlement terms. This has been a very difficult time for those NRD directors, but they have stuck with it and tried their hardest to work with the state Department of Natural Resources the best they could.

Now, we have DNR acting director, Ann Bleed, saying more restrictions must be made to comply with the agreement. It is now becoming more and more evident that Nebraska's settlement negotiating team got beat by their Kansas counterparts by about as bad as the Kansas football team beat Nebraska on November 5 in Lawrence.

This is a state issue and problem no different from the low level radioactive waste dump controversy up in Boyd County that likewise involved a multi-state compact that blew up in our faces. Nebraska lost that battle in court and magically found \$150 million to pay the judgment. The state did not order Boyd county residents to pony up the \$150 million. Rather, all Nebraska taxpayers from Omaha to Scottsbluff chipped in to bail the state out.

In the Republican, if the state says irrigated acres have to be retired to comply with the settlement terms, then the state legislature must find the funds to fairly compensate farmers for their lost incomes and devalued property. The governor should make this his number one priority and our state senators must do

the right thing. For sixty years, Republican River irrigators complied with all the state laws and NRD regulations involving groundwater use. Irrigators trusted the state DNR, and over the decades invested millions of dollars in wells, pumps and center pivots to enhance their productivity. They did all this legally and in reliance on the state's laws being valid. Now, the state wants them to bear the burden for the state's failures at the negotiation table.

Irrigated agriculture is the be all end all of the Republican River valley. Every community in the valley was built and is now sustained by the dollars irrigated agriculture pumps into the local main streets every year. These dollars churn through all aspects of the economy and multiply. These dollars bolster and sustain the property tax bases that our schools and counties rely upon to fund their operations.

The governor must now step forward and take a stand to protect these rural communities before it is too late. This is called leadership and is all about standing up and doing the right thing for your people.

The Lower, Middle, and Upper Republican NRDs have so far done all the heavy lifting trying to cooperate with the state. But there is no more room left for them to do what the state wants and at the same time protect the property rights of their farmers and the viability of their local communities. The elected members of these NRD boards owe their constituencies this duty. If the state DNR wants more out of their hide, the NRDs should politely step back and turn the dirty work over to the state. At least then, accountability for this impending calamity will shift onto the back of the responsible party.

