

LB 701 (AM 872)
NEBRASKANS FIRST OPPOSITION TESTIMONY

The state, not the NRDs, not the irrigators, signed off on the Republican River Compact 64 years ago. The state, not the NRDs, not the irrigators, signed off on the Kansas settlement agreement 5 years ago.

AM 872 to LB 701 takes a problem that is clearly a statewide responsibility and heaps it almost totally onto the backs of Republican River Basin irrigators and property owners.

This abdication of state responsibility is unprecedented in our history, and threatens the economic viability of the Republican River Basin while placing an undue financial burden on a small class of Nebraska citizens who have done nothing wrong or irresponsible.

For the past several years the Republican River Basin NRDs and their irrigators have operated under extreme pressure and constant threats from Kansas and our own DNR. The stress this is creating for our producers is palpable and unwarranted. Already, they have endured severe cutbacks in groundwater allocations. In a tremendous effort and commitment to do more than their fair share they have actually used less water than allowed. They alone have sacrificed, and have sacrificed enough.

We cannot support any new taxes on irrigators. They are already paying through the gills. Property taxes on their irrigated land is double compared to dryland, and roughly three times higher than their Kansas counterparts currently pay.

Today, the Republican River is nowhere near the system it was back in 1943 when the Compact was entered into. In 1943, there were no terraces or dams. The river was free flowing, starting in northwest Kansas where Beaver, Sappa and Prairie Dog Creeks flowed into Nebraska, unobstructed. When Harlan Dam was constructed over fifty years ago, it was filled and sustained by free flowing water from these Kansas creeks. This free flowing system changed dramatically when the federal government in the mid 1980's mandated and paid for conservation measures, primarily terracing.

A 1985 Bureau of Reclamation water management study (the handout) clearly stated that such conservation measures contribute the largest depletions to the basin's water supply. Since then the number of terraced acres has at least doubled.

Now, look at the aerial photograph. It was taken about three weeks ago and shows where the water is in northwest Kansas, and why it cannot get to Harlan.

Right now there are roughly 1/2 million acre feet of water being held back from flowing into Harlan. There is no drainage anymore out of northwest Kansas into Nebraska. The river system can no longer flow and feed Harlan as was the plan envisioned when Harlan Dam was constructed. Harlan has been rendered essentially useless due to the terracing in northwest Kansas.