

## **LOCAL CONTROL IS THE KEY AND MUST BE PROTECTED**

- Remember the NRDs are local governmental entities not created by our state constitution but rather by the legislature. There are some policy makers and legal types out there who would love to see the NRDs go away and thereby transfer regulation of all water to the state DNR. Such is the case in Kansas where a single, unelected water czar runs the show from his office in Topeka. We certainly do not want the Kansas system to be adopted here in Nebraska. But there are those who cannot abide by the fact that small boards of locally elected directors actually have real authority to manage and regulate groundwater.
- The salvation of our state's agricultural based economy, which is fueled and sustained primarily by groundwater irrigation (85% of all irrigated acres are irrigated with groundwater), lies in *maintaining local control of groundwater by our twenty-three NRDs*. If regulatory control of groundwater is taken away from locally elected boards of directors composed of a fair representation of local ag producers, and handed over to the DNR in Lincoln, the result over time could be disastrous.

## **REPUBLICAN RIVER BASIN UPDATE**

The Republican River Compact Administration (RRCA) held its 48th annual meeting in Lincoln on August 12 and 13. The RRCA is comprised of the water resources department heads of Nebraska, Kansas and Colorado, along with their key staff of engineers, attorneys and hydrologists. The recent focus of the RRCA has involved compliance with the Final Settlement Stipulation (FSS) agreed to by the three states back in 2002.

We have attended the last three meetings of the RRCA. The August meeting resolved little if anything and appeared to only give the Kansas water czar, David Barfield, a public forum for criticizing Nebraska and demeaning the significant efforts undertaken by Nebraska Republican River Basin NRDs and irrigators to reach compliance with the FSS.

Kansas repeated its demand that Nebraska reduce irrigated land in the RRB by 515,000 acres. Kansas' plan for how we are to do this is to shut down all wells within 2 1/2 miles of the Republican River and its tributaries. Mr. Barfield's demands are absurd and must be rejected without qualification. His claim that Nebraska owes Kansas 72 million dollars in damages is likewise unrealistic and unfounded.

Nebraska's team seems to be holding its own pretty well in this arena in which Kansas assumes it is the alpha male. Our engineers have pointed out serious flaws with the accounting system and modeling scenarios Kansas is using in coming up with its numbers involving streamflow depletions and alleged damages. We commend our Nebraska team for their strong stand in this difficult, highly complex debate.

Anyway, at the end of the day, on August 13, Kansas proclaimed again that they were unsatisfied with the

progress of Nebraska and that they will push on to the next phase involving non-binding arbitration. Kansas originally wanted this phase to kick in, back in March.

An arbiter to act as judge and jury for the contested proceeding is to be selected by the middle of September 2008. Actually, there could be more than one arbiter, maybe a panel. If Kansas and Nebraska do not agree on the arbiter(s), then a consulting group out of Boulder, Colorado, called CDR Associates, will select the arbiter(s). You might recall that this is the same outfit that provides the "facilitators" for the Water Policy Task Force.

The arbitration process will last about six months, so sometime around March 2009, a decision will be rendered by the arbiter(s). If either Nebraska or Kansas does not accept the decision of the arbiter(s), the unresolved dispute will go to the U.S. Supreme Court. Needless to say, the next six to eight months will hold great suspense. *It is imperative that Nebraska's team step up big time and prepare and defend the strongest case possible, because losing this time would spell disaster for the Nebraska communities in the Republican River Basin which rely heavily on irrigated agriculture to prosper.*

