

Lawsuit may affect Kansas-Nebraska water dispute

Nebraska natural resource districts challenging water use

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By The Associated Press

LINCOLN, Neb. — Two Nebraska natural resources districts are challenging a state-approved plan that would draw water away from land in Lincoln County and dump it into the Republican River Basin, their attorney said Monday.

Attorney [David Domina](#) announced that the Frenchman Cambridge Irrigation District and the Bostwick Irrigation District will fight the plan in federal court.

In October, the Nebraska Department of Natural Resources and four other natural resources districts announced an \$83 million purchase of Lincoln County farmland from a Delaware investment group. The plan would have them take nearly 19,000 acres out of production, and pump the water beneath it into a Republican River tributary.

Supporters say the plan would allow them to save water that would otherwise be used for irrigation, and ship it down to the rivers when it's needed to make sure Nebraska stays in compliance with interstate water agreements. But doing so would bypass the Frenchman Cambridge and Bostwick districts, as well as the federal lakes in the basin, according to the lawsuit.

The districts argue in the lawsuit that the plan is a short-term fix to meet Nebraska's obligations under the Republican River Compact, a water-sharing agreement with Colorado and Kansas. The 1943 river compact allocates 49 percent of the river's water to Nebraska, 40 percent to Kansas and 11 percent to Colorado.

Nebraska and Kansas have tangled in court in recent years over allegations that Nebraska used more than its fair share. Nebraska taxpayers could be liable for Kansas' economic losses if the lawsuit succeeds, and farmers might have to shut down irrigation along hundreds of thousands of acres near the river.

The lawsuit alleges that Nebraska's new plan to augment the water supply would deprive streams, rivers and federal lakes of water to which they are entitled. It also would reduce future stream flows in the area, according to the lawsuit.

“The districts believe we cannot solve the problem of too much groundwater pumping with more groundwater pumping,” Domina said.

Domina said the lawsuit is separate from the ongoing legal dispute between Kansas and Nebraska. He said his clients’ lawsuit focuses strictly on the actions taken within Nebraska to meet its water obligations.

The Frenchman Cambridge Irrigation District is based in Cambridge, and the Bostwick Irrigation District is headquartered in Red Cloud.