

# LRNRD sends new water plan to attorney general

**Compact compliance 'Option 4' included, but not made public**

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**ALMA - A draft 2010 integrated water management plan for the Lower Republican Natural Resources District, including an alternative for Republican River Compact compliance in water-short years, will be delivered to the Nebraska Attorney General's Office today.**

The alternative, dubbed Option 4, wasn't made public at Thursday's LRNRD board meeting in Alma. General Manager Mike Clements said he didn't think it would be fair to discuss the plan's details because state officials hadn't seen it yet.

During the meeting, Clements said, "I can say we will not be accepting any of DNR's three options." He later told the Hub, "Our alternative plan does not incorporate any of the state's three proposals by themselves."

The LRNRD directors voted unanimously to adopt a resolution directing legal counsel David Domina of Omaha to deliver the proposed IMP to Attorney General Jon Bruning's office today.

The resolution says the plan should be delivered to "appropriate authorities of the state of Nebraska," which Clements later said means the Attorney General's Office, "for purposes of good faith discussions designed to resolve potential and present legal issues."

He said the AG's office will get its copy first, but the plan also will be sent to the Nebraska Department of Natural Resources, which works with NRDs on integrated water management plans.

The resolution also directs Domina to communicate to state officials that the LRNRD's immediate goal is to adopt and implement the IMP, but also that the board is "willing to consider revisions, adjustments or necessary changes as may be agreed upon through negotiations with the state."

Clements said state officials may not agree with everything in the draft plan, but he believes it will serve as a way to bring the parties together and compromise on some issues.

"Option 4" refers to an alternative to three DNR-proposed options for the Lower, Middle and Upper Republican NRDs to comply with the compact in years identified as water short based on water supplies in Harlan County Lake.

The state options include shutting down irrigation wells near the Republican River and its tributaries in water-short years, severe cutbacks to groundwater allocations throughout the basin

in all years to ensure compliance is maintained, and/or curtailment of surface water irrigation when needed in water-short years.

The Upper and Middle Republican NRDs didn't approve any state option, but they agreed to consider Option 3, the shutting down of rapid-response wells near the river and its tributaries in water-short years.

MRNRD General Manager Dan Smith of Curtis told the Hub in December that his board's intent is to "develop something over and above Option 3 that would keep us from ever getting there."

An ongoing issue for Lower Republican officials is that while the state's option to reduce overall pumping is promoted as treating all groundwater users equally, the numbers used for each NRD aren't equal: 3.6 inches per acre in the Lower Republican, 4.8 inches in the Middle Republican and 5.9 inches in the Upper Republican.

"Our concern with all three of the state options continues to be the potential economic impact on the basin communities and the whole state," Clements said Thursday, "along with the fact that we would like to see a more comprehensive management approach to the basin, rather than just reacting.

"Our alternative plan includes measures that can be taken to achieve not only compact compliance, but also long-term sustainability of the basin."

In a related matter Thursday, Clements said there is a court hearing next Thursday on the NRDs' lawsuit to resolve questions about refunding special property taxes collected in 2007 under LB701. The intended use of the taxes was to pay Republican Basin irrigation districts for surface water used in 2007 to augment river flows into Kansas for compact compliance.

The taxes were declared unconstitutional by the Nebraska Supreme Court, but local officials haven't found a way to legally refund the money held in escrow to people who didn't file tax protests within 30 days of paying the property taxes.

Red Willow County District Court Judge David Urbom will hear motions for summary judgment in the case at 11:30 a.m. Thursday at the courthouse in McCook.