



Irrigation districts sue to stop 'water farm'

by George Lauby (North Platte Bulletin) - 1/1/2013

West central Nebraska irrigators are going into federal court to try to stop a mega-water farm from operating next summer in southern Lincoln County.

The Frenchman-Cambridge Irrigation District and Bostwick Irrigation District near Red Cloud claim they will lose water if the new water farm begins sending groundwater into the Republican River system.

The lawsuit attacks the \$110 million project to buy 19,000 acres in Lincoln County, take the land out of production and pump the water beneath it at least eight miles to a creek above the Republican River system.

About half the water is expected to evaporate and only about half will flow out of Nebraska to Kansas – the intended destination, attorney [David Domina](#) said.

The 'water farm' project is aimed at quenching complaints from Kansas that they do not get their fair share of water from the Republican River, but the Nebraska irrigators claim it will bypass not only them but also federal lakes nearby and reduce future stream flow by pumping groundwater out of the aquifer.

Domina said the irrigation districts that he represents have contracts with the federal government and have met their obligations. In turn, the government agreed to supply water. However, parts of the irrigation districts have been dry or nearly dry for several years, and the situation will only get worse if the mega-water farm begins operations as intended this summer.

Domina said the project will take “long-term” water below the earth and make it “short-term” water in streams, an illogical and potentially illegal practice.

“Nebraska cannot convert long-term groundwater to short-term surface water at the expense of its downstream citizens,” he said.

Proponents say the water farm will eliminate the need for more limits on farm irrigation water, but Domina said it doesn't add up.

“Groundwater over-pumping cannot be cured with more pumping, just like you can't borrow your way out of debt,” Domina said. “The solution is less pumping in the driest areas where the most water is used for the least benefit.”

Domina said the Nebraska Constitution provides that the surface and ground waters of Nebraska are to be used for Nebraskans, with these priorities: 1) domestic users or humans, 2) agricultural users, and 3) industrial uses.

The lawsuit also challenges a similar project near Rock Creek in the Upper Republican Natural Resources District area that began to be developed about a year ago.

The lawsuit was filed late Friday in United States District Court against Gov. Dave Heineman and Director Brian Dunnigan of the Nebraska Department of Natural Resources, as well as the Upper Republican Natural Resources District and a new entity – NCORPE -- formed by four NRDs to oversee the water farm.

The suit also names the U.S. Department of Interior and U.S. Bureau of Reclamation.

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