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## Middle Republican Natural Resources District

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01/13/2010

For Immediate Release

### **District Property Tax Refund Closer to Resolution**

Curtis—At Tuesday’s Board Meeting of the Middle Republican NRD, members learned that a declarative judgment will be made in McCook January 21<sup>st</sup> at the Red Willow County Court House to determine how the property tax collected by the District in 2008 will be refunded to property owners in the district. The property tax, found unconstitutional by the State Supreme Court, is being held in escrow by the District until a legal means of providing a refund can be determined. Currently, there are no laws on the books describing this process.

During their discussion on Ground Water Management the board was informed of a letter from DNR Director Brian Dunnigan dated January 7, 2010. In this letter, DNR proposed an ambitious schedule for development of rules and regulations and Integrated Management Plan revisions related to option 3 or the shutdown of ground water irrigation in a selected area. This schedule provided for a hearing in February. The board directed Dan Smith to respond to this letter and ask that this schedule be delayed at least thirty days. “The board must have time to review the proposed changes, develop our rules and advertise a hearing. We must be confident that all districts in the basin are considering revisions that are equivalent to their responsibility in water short years”, Smith explained. Discussion was also held on the development of the District’s proposed rolling average allocation method. This proposal would help the district reduce their consumptive use and if credit is given to past and future actions taken by the district, future action with regard to option 3 may be eliminated. In their December 2009 letter to the Department, the District indicated that while they were considering option 3 as proposed by the Department, it was their intent to develop an alternate option that would keep the district in compliance with our Integrated Management Plan and help the state to maintain

compact compliance without ever needing to shut down ground water use in the rapid response area. The District maintains that augmentation or surface water leases will continue to be a component that must be developed along with their allocation. Smith said, “The Department has indicated that they support the effort by the District and will continue to work with us to make the necessary technical evaluation of our proposal.”

Senator Christensen shared with the board proposed legislation that is intended to fix that part of LB701 that allows districts to collect an occupation tax. The ability of districts to collect this tax for the purposes of funding projects that manage ground water use is currently being challenged in Lancaster District Court. The District Court Judge acknowledged submitted briefs and exhibits on December 14<sup>th</sup>. Christensen’s bill LB862, also sponsored by Senator Carlson, changes the language to lift the bonding requirement for funding projects, certifying non-irrigated acres, and opens the closed class to districts that are in a river basin that require metering within that basin.

Two District watershed structures experienced damage as a result of heavy Spring rains during 2007 and again in 2008. Structures 32A north of Culbertson and 80A in Maywood both experienced damage as a result of heavy spring rains and design flaws in the structures. Funding for proposed repairs were recently approved by the NRCS for structure 32A and 80A. The contract has been awarded to BSC Construction of Curtis Nebraska.

Assistant Manager Merrigan reported that technicians are about finished with flow meter readings across the District. Meanwhile, Owens, Office Supervisor, continues to prepare water use reports for producers in the District.

The Middle Republican Natural Resources District meets the second Tuesday of the month in Curtis at the Curtis Memorial Community Center. Meeting dates, times and agendas can be found on [www.mrnrd.org](http://www.mrnrd.org) .

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