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## Middle Republican Natural Resources District

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### **STATEMENT BY DAN SMITH, GENERAL MANAGER, MIDDLE REPUBLICAN NATURAL RESOURCES DISTRICT, ON THE NEBRASKA SUPREME COURT DECISION TO NOT TAKE THE REPUBLICAN RIVER LAWSUIT CASE**

Wednesday's decision by the Nebraska Supreme Court to not hear the lawsuit challenging the constitutionality of LB 701 does not impact the responsibility the natural resources districts (NRDs) have in managing Nebraska's ground water resources. It is important that the public understand two very important points: 1) The irrigation districts who sold their water to the NRDs are going to get paid; and, 2) The NRDs purchased water in order to maintain the economic activity of our basin and not to meet any requirements of an intrastate compact.

By statute, NRDs are responsible for ground water management and they will continue to use the tools provided by the legislature to manage that resource. Any future lawsuits may impact how – but not if – the NRDs will pay the irrigation districts who cooperated with us in selling their surface water rights last summer. The bonding authority of LB 701 would have been used to pay that obligation. That obligation will be met, if not with the authority of LB 701, then with whatever funding the NRDs now have or may obtain in the future.

This new bonding authority is very important to the overall economic security of the Republican River Basin. Without the ability to purchase or lease either surface or ground water supplies during droughts in the future, the only option available to the NRDs is to drastically reduce ground water use over the long term. Short-term reductions do little to make up for drought, so severe long-term reductions in water use over many years would have to be imposed. This would have a devastating effect on the entire economy of the basin. The bonding authority gave us the opportunity to lease these supplies or implement other programs to help replace the impacts from ground water pumping and minimize the economic impact of regulation on ground water. The surface water we leased this year helps make up for the effects of drought in the previous water-short years from 2003 through 2006.

LB 701 had the support of the entire Legislature, the Governor and the NRDs. Many citizens prefer this legislative solution as an alternative to crippling

reductions in ground water use. While neither option is overwhelmingly desirable, the bonding authority for the NRDs is the least painful because it still allows our farmers to achieve the maximum economic potential for their crops. Irrigated agriculture is important to the entire basin. No one likes more taxes but the long-term impacts of severe water use reductions would have negative impacts across all segments of our population.

To maintain that this is a State issue and that the State should take care of it financially is likely to result in a response from the State that could result in complete administration and nearly eliminate ground water irrigation. Only by having a local input and local controls can we maintain the maximum benefit to the basin. If Nebraska fails to achieve compliance with the Compact and Kansas pursues further litigation, the response from the United States Supreme Court may very well be the stopping of all irrigation, both ground water and surface water, until the deficit is reversed. State control or court control of the resources of this basin cannot be to the benefit of anyone. We would hope that the plaintiffs give LB 701 a chance to work and protect the economic security of our basin.

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