

By Russ Pankonin, The Imperial Republican Co-Publisher

It's been less than two weeks since irrigators in the Republican Basin learned that wells near the river could be shut down without any compensation in water-short years to keep the state in compliance.

When Governor Dave Heineman stopped by the annual meeting of the state's natural resources district in Kearney Monday, he told NRD officials he wants a compliance plan wrapped up by early December. While that's what he may want, this is not in the best interest of irrigators in the basin.

He's wanting the NRDs in the basin to devise a set of regulations, by December mind you, that has the potential to shut down surface and groundwater irrigation and crush this region economically.

Frankly, this is not an issue that can be addressed by a couple of NRD meetings in each district before adoption.

First of all, NRDs in the basin are just starting to get information from the state on how many acres could be shut down in their districts.

But more importantly, the irrigators whose livelihoods could be decimated by such a draconian plan don't even know it yet. Eventually, the map showing affected wells will be released by the Department of Natural Resources. Hopefully, public release of the map will occur this month.

NRDs continue to look for ways to stay in compliance with the compact settlement with Kansas without having to shut irrigators off.

With the property tax under LB 701 declared unconstitutional and the occupation tax in the same bill facing the same threat, NRDs have no way to pay for projects to avoid shutting down wells in a water-short year.

Not only is the governor pressing for a December deadline on these new regulations, he wants the state reimbursed for money loaned to the NRDs to pay for surface water leases and he wants the unconstitutional property taxes repaid—all without providing some type of funding mechanism to make these happen.

Presently, there is no legal process defined for the NRDs to return the unconstitutional property taxes. Even the governor didn't know that when he made a statement to constituents in McCook that the money could be repaid.

The basin NRDs turned to the courts by seeking a declaratory judgment in district court to try to get the mess resolved on their own. They're looking to the court, both for the permission to repay the taxes and the method in which to do so.

The case on whether the occupation tax is constitutional or not will not even be heard until this December, with a decision several months after that. Yet, the governor wants this all wrapped up by the end of December.

Without some type of funding mechanism to fund compliance alternatives, the Republican Basin stands to take a hard hit in water-short years that will be devastating to this region.

Upper Republican Manager Jasper Fanning may have summed up the situation best at a recent water meeting in Holdrege. He said people in the basin are willing to solve their own problems. However, it appears that state government isn't going to let them.

There are many scenarios that will play out over the next six months, especially regarding the occupation tax. To finalize plans now that could devastate this region in the future is asking for too many sacrifices without knowing some of the outcomes.

Deadlines be damned! Let's adopt policies over time that will work for us instead of adopting them just to meet an arbitrary deadline to cover political behinds.