

By Russ Pankonin

The Imperial Republican

Senator Mark Christensen's priority bill, LB 522, made it to Select File Tuesday morning on a 27-0 vote.

The bill calls for the state to reimburse surface water irrigators for water released from storage reservoirs to keep Nebraska in compliance with Kansas.

The Department of Natural Resources, which manages surface water in the state, had already declared 2013 a compact call year.

This meant that any new water coming into storage reservoirs, such as Swanson, Red Willow and Medicine Creek, had to be passed directly through. This also meant it could not be stored for irrigation use.

In addition, several weeks ago DNR required the surface water districts to release much of the water already stored in reservoirs intended for this year's irrigation season.

DNR called for the release to get water into Harlan County Reservoir to aid the state's compact compliance efforts with Kansas.

In his bill, Sen. Christensen wants surface water users to be compensated for the loss of this water, especially since it was for a state purpose—compact compliance.

His bill calls for \$5 million in compensation this year and another \$5 million for next year, if a similar situation occurs.

Right now, that money would have to come out of the general budget. Christensen said there are already more requests from the general budget than there is money.

He said he can understand why surface water users are upset at having to release water without any compensation.

Those users feel they're shouldering the responsibility for the state's need to comply with the compact, he said.

Christensen said he thinks it's only fair for the state to compensate them for their loss.

Lively floor debate

Christensen defended his bill during first-round floor debate Tuesday morning.

As a senator from a district that includes two-thirds of the surface acres in the Republican Basin, along with all the groundwater use in the basin NRDs, Christensen said it's been frustrating that both groups can't seem to work together.

"It's frustrating but it's a fact of life," he said during Tuesday's weekly tele-conference call.

Senator Tom Carlson of Holdrege said he had a particular problem paying the same surface water users who are suing the state over the Lincoln County augmentation project.

He said he'd support the bill this round to give the surface water users a chance to drop their suit and negotiate in good faith with the state.

If that doesn't happen, Carlson said he would pull his support of the bill during the second round of debate.

Christensen got support for the bill from Sen. Mark Schilz of Ogallala, who is also well-versed on water issues in both the Platte and Republican River Basins.

Appropriations Chair Heath Mello of Omaha cautioned senators, telling them they could set a bad precedent or upset other water rights issues in the state with the bill.

He proclaimed there are still "gaping holes" in the amendments added to the bill. However, he said Christensen deserves the chance to fix the bill before it comes back up on Select File.

Christensen said he didn't believe the bill had gaping holes but said some technical issues need to be addressed in the interim between debate.

One of the events that has to be taken into account would be if a big rain event occurred.

What if rains generate enough water to allow the surface water districts to deliver the same amount of water as originally planned? Do the surface water users still get compensated?

That and other issues, such as funding, will likely be addressed by Christensen before the bill gets second round debate.