

## Nebraska expected to file for fast track arbitration

**By Russ Pankonin**

**The Imperial Republican**

Kansas voiced their disapproval once again for allowing Nebraska to get 100 percent credit for augmentation pumping. This time their opposition focused on the Lincoln County project.

During a tele-meeting of the Republican River Compact Administration (RRCA) Tuesday, Nebraska asked the RRCA to approve full credit for pumping from the Lincoln County augmentation project.

For the proposal to pass, the three states represented in the RRCA—Nebraska, Colorado and Kansas—would all have to vote yes. Kansas voted no.

Nebraska will likely file for fast track arbitration on the issue, according to Upper Republican Natural Resources District (URNRD) Manager Jasper Fanning.

Nebraska has already asked for fast track arbitration on their 100 percent credit request on the Rock Creek augmentation project in Dundy County. Alternative compliance plans requested during water-short years are also included in the arbitration.

### **Both states with projects**

Nebraska and Colorado both have augmentation projects to keep each state in compliance with the 2002 Republican River compact settlement with Kansas.

Colorado has completed an augmentation project in northeast Colorado designed to deliver water to the North Fork of the Republican River near Haigler.

However, the project has not yet delivered any water, due to objections from Kansas.

Colorado is also seeking 100 percent credit for the water, which Kansas has opposed.

In addition, Kansas wants the South Fork of the Republican in northwest Kansas to be made whole, as well.

Those issues are presently in arbitration.

### **Rock Creek operational**

The URNRD is currently operating the Rock Creek augmentation project, delivering water to the Republican River near Parks.

However, the district only receives 69 percent credit for each acre-foot delivered.

The URNRD has to make up 10,680 acre-feet of overuse that occurred during last summer's drought conditions. With only 69 percent credit, nearly 16,000 acre-feet of water will have to be pumped from the project.

N-CORPE, a consortium of Republican Basin NRDs and the Twin Platte NRD, purchased 19,000 acres in Lincoln County.

Active irrigation on 15,874 acres of the tract will be retired. This will generate about 45,000 acre-feet of water annually that can be used for compliance purposes by the entities.

However, without Kansas' approval for 100 percent credit, the project, when operational, will only get compliance credit of 54 percent.

### **Dundy County tax issues**

During the July 2 regular NRD meeting held in Imperial, Dundy County resident Stuart Bartels of Wauneta addressed the board about land taxes on the Rock Creek project.

Bartels commended the board for their vision to develop the Rock Creek project. He said it's beneficial to the district.

However, he objected to the URNRD's stance of not paying property taxes on the project. He said the loss of tax revenue on that land puts an unfair burden on Dundy County taxpayers, who will be the ones making up for the difference.

Fanning explained NRDs are not allowed to pay tax on land designated for a public purpose. The NRDs deem this land as land for a public use or benefit. However, the Dundy County commissioners disagreed with that stance.

Fanning said their goal was to work with Dundy County on creating a way for the URNRD to make some kind of payment in lieu of taxes. Right now, no such statute exists, Fanning said. The NRD just wants to do what's right and legal, he added.

Haigler farmer-rancher Mark McVey asked the board if any action had been taken on a bill he submitted to the board in June.

He submitted a bill to the NRD for loss of property value, labor and mileage totalling \$48,000 for the damage he figures he's suffered as a result of the Rock Creek project.

Board Chair Terry Martin said no action has been taken.

McVey said if the bill is not paid, he will hire legal counsel and seek to shut down the Rock Creek project.

"I'm not going to provide the entire water for the Republican Basin for free. Either pay for it or I'm going to shut you down," he told the board.

McVey has said he represents a large number of people in the vicinity of the project who oppose it.