

By Russ Pankonin

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When Nebraska settled a lawsuit with Kansas in 2002 over water use in the Republican River Basin, no one could anticipate the kind of changes it would mean.

Irrigators in the basin's natural resources districts (NRDs) know first hand what some of those changes have meant.

No new drilling. Lower allocations. Buying surface water to reach compliance. The list goes on and on.

Now, directors of the Upper Republican NRD face a new dilemma. Farmers are seeking ways to transfer certified irrigated acres, allocation and possible carryforward from land in quick response areas to other existing irrigated acres.

The Department of Natural Resources has defined a quick response area (QRA) as any land within 2.5 miles of any stream, tributary or river in the basin.

For at least two months, various board committees and the entire board have looked at ways to accomplish this without setting a precedent or violating their own rules.

As the state tries to reach compliance with the compact settlement, converting irrigated acres near rivers and streams to dryland makes a big impact.

But the question becomes whether the allocation on the retired ground can be transferred to other certified acres.

In some requests before the board now, farmers want to move that water from 18 to nearly 40 miles away from the river.

That cuts stream depletions by shutting wells down in the alluvium. But should the board look at the impact such a transfer may have on the area where the allocation is transferred to?

That's a question board member Mike Mosel of Grant posed during this month's regular meeting, Tuesday night in Imperial.

He noted it's beneficial to get more compact compliance credit by reducing stream depletions. However, he suggested such a transfer must be examined closely.

He said such a transfer could be detrimental to groundwater levels in the area where the allocation is being transferred to.

The board did act on a transfer request by George Seward of Yuma, Colo., on land in the URNRD.

In that case, Seward agreed to shut down two wells in the quick response area and transfer the allocation to other irrigated land he owns about 25 miles away.

He also agreed that no new acres would be irrigated.

What this allows farmers to do is spread the allocation from the retired wells to other wells and acres they already own.

This manner may not increase the consumptive use of water and allows a farmer to put the water where they can best use it.

Board member Kerry Bernhardt said he feared moving carryforward with a transfer.

He said the state has looked closely at carryforward. Kansas will likely look at it in the arbitration process now underway with Nebraska.

Bernhardt said if the board allowed large amounts of carry-forward water to be transferred large distances, he fears the state will restrict or eliminate carryforward all together.

The board tabled another request by Seward that included a large amount of carryforward.

Board committees will study the issue further and may be ready to make some recommendations on procedure at the regular meeting in January.