By Russ Pankonin
The Imperial Republican

A recommendation on transfers will go before the board of the Upper Republican Natural Resources District (URNRD) at their March 5 meeting in Imperial.

During a special meeting Thursday, Feb. 19, the board adopted a motion on a 9-1 vote to send the recommendation for a rule revision to the March meeting.

If approved there, a public hearing will be scheduled to gather public input on the proposed change.

After exploring a number of options, the Groundwater Committee forwarded a simple recommendation to the board—allow transfers on an acre-for-acre basis only within a floating township; and that carryforward be limited to three years of allocation, or presently, 39 inches.

A floating township is defined as any 36-square mile area, meaning water can be transferred no further than six miles.

The committee looked at the transfer issue after several variance requests came before the board.

Manager Jasper Fanning said this proposed change helps crystalize just where a transfer can occur.

Consideration had been given to allow irrigated acres in the quick response to be transferred miles away to another tract.

However, the committee struck out that idea in the final proposal and limited it to within a floating township anywhere in the district.

Fanning said while this will be a modification of Rule 11, it really doesn't allow anything more than can be done through pooling right now.

However, if acres are transferred, those acres can no longer be irrigated.

This would allow an irrigator to retire acres in one field and transfer the acres and allocation to another field. This would increase the allocation available for the receiving field.

Jeff Wallin cautioned that with the Nebraska Supreme Court's ruling on the property tax in LB 701, it could be more difficult to purchase surface water for compliance.

He said it may be helpful to be able to transfer the acres more than six miles, and as a result, cast the sole vote opposing the recommendation.

Kerry Bernhardt said the latest proposal came about primarily because of public input.

He said those people he talked to favored limiting the transfers to within the floating township only.

If the proposal is adopted at the March meeting, a public hearing will be scheduled for input before the rule can be changed.

The March meeting has been rescheduled to Thursday, March 5 at 7:30 p.m. in Imperial.

Surface water leases discussed

Fanning told the board that the Riverside Irrigation District has approached the URNRD about leasing their surface water this season.

Fanning said it may be possible the URNRD may want the water for compliance issues this year.

Riverside has about 2,000 acre-feet of water, of which 1,200 acre-feet could be used to offset consumptive use in the district.

In addition, it would add about 1,000 acre-feet of water to Harlan County Reservoir.

Additional surface water could be available from other districts in the basin but the uncertainty of how to pay for it following the Supreme Court ruling presents new challenges.

Fanning said the best option would be to seek some long-term options rather than leasing it on a year-by-year basis.

Arbitration update

James Williams, Republican River Coordinator for the Nebraska Department of Natural Resources, briefed the board on arbitration progress.

He said each state has filed expert witness reports, followed by rebuttal of those reports.

Williams said he and David Barfield, Kansas' water czar, will be deposed this week.

The trial is set for the week of March 16 with response briefs due in May. The arbitrator will deliver his decision on June 17.

Williams reminded the board that the arbitration is non-binding and either party could seek further remedy in the U.S. Supreme Court.