

“Upper Republican Natural Resources District Doing Its Part”

The Irrigators in the Republican River Basin in Southwest Nebraska have stepped up to the plate. Especially in the Upper Republican Natural Resources District, where stringent allocations were implemented as early as 1978. The Upper Republican Natural Resources District has lead the State and arguably the Nation in implementing local controls to conserve groundwater for the future. Over the past twenty-five years this Natural Resources District has reduced the allocation of groundwater to the point that the allocation is less than the full irrigation requirement of corn, the predominant crop of the area. A difficult task, when economic viability hangs in the balance. Irrigation development is, by far, the largest economic development activity to occur in the Republican River Basin, much like other rural areas of the State.

The Upper Republican Natural Resources District stepped up to the plate one more time when faced with the Republican River Compact Settlement Agreement. Even though the Upper Republican Natural Resources District had limited irrigation development for twenty some years prior to the lawsuit and eliminated new irrigation development by enacting a moratorium on new irrigation wells and additional irrigated acres in 1997 (Contrary to recent articles which erroneously alleged the Upper Republican Natural Resources District had drilled new wells and increased irrigated acreage after 1997), the Upper Republican Natural Resources District agreed to further reduce its allocation to 13.5 acre-inches. A reduction the Department of Natural Resources determined would be sufficient under normal climatic conditions. The one inch reduction in allocation equates to a reduction in allocation of approximately 37,500 acre-feet.

Tabulation of meter readings indicate irrigation withdrawals in the Upper Republican Natural Resources District were 15% below the amount allocated which equates to irrigators using about 78,500 acre-feet less than their allocation in 2005. Irrigators in the Upper Republican Natural Resources District averaged 11.4 inches of irrigation per certified acre. This usage figure and those from the previous 25 years are a testament to the fact that irrigators only use what they need; there is no wasting going on in the Basin. Unfortunately, it appears that even reductions in irrigation of this magnitude by individual Natural Resources Districts, in spite of the economic cost, will not increase streamflows to the extent required in the necessary time frame to enable Nebraska to comply with the Republican River Compact Settlement Agreement.

Numerous articles in the recent past have questioned the notion of paying irrigators not to irrigate. While a fair question, the details of the situation are also worthy of discussion. The purpose of the programs being labeled as “paying irrigators not to irrigate,” are designed to assist the State of Nebraska in achieving and maintaining compliance with an interstate compact entered into by the State. In fact the Department of Natural Resources informational brochure regarding the Republican River Compact Settlement Agreement states, “It is expected that Nebraska should be able to maintain most, if not all, of its existing uses in normal years. In water short years, which occur 25% - 33% of the time, Nebraska will have to reduce consumptive use to stay in compliance with the Compact.”

The physical properties of the aquifer and its connection to the Republican River and its tributaries coupled with the accounting procedures of the Settlement Agreement are what make complying with the Compact difficult during a drought period. It is not as simple as reducing the amount of irrigation water applied by a small amount. While the “fair” thing to do would be to regulate every irrigator back a small amount, the complexity of the hydrologic system and accounting procedures do not allow that simplistic approach to be sufficient to ensure Nebraska’s compliance with the Compact.

Positive impacts from reducing pumping in upland areas farther from the stream may not be accounted for in the Compact for many years, even decades, while the reductions and negative economic impacts are realized immediately. It's these complexities that make it necessary to target consumptive use reductions as near the stream as possible and make incentive programs an attractive alternative in comparison to regulation.

Focusing the reductions has another unfortunate side effect; the reduction in irrigation is focused on only a handful of individuals, whom in the long run have no more impact on streamflows than any other irrigator. While it would be possible to draw a line in the sand and eliminate irrigation on the side closest to the stream without any sort of compensation, it seems that part of "The Good Life" would be sharing the costs as we shared the savings the State claimed when entering into the Settlement Agreement. If this alone does not justify the appropriation of State funds to ensure compliance with the Compact, then we must also consider the alternative.

The State of Kansas obviously believes there is value in Nebraska being in compliance or they would not have initiated a lawsuit in 1998. Thus, it would seem while Nebraska has several options only one option agrees with "The Good Life." That option is to employ the solution with the least overall economic cost to the State, which enables the State to comply with the Republican River Compact. That solution could quite possibly include fairly compensating individuals who, because of the complexities of the Settlement Agreement entered into by the State, are left shouldering the majority of the State's responsibility to reduce depletions to streamflow during drought periods.

The NRDs have taxing and legislative authorities too limited to comply with the Republican River Compact without assistance from the State. Thus, we are looking to the State for assistance in funding the types of projects that will be necessary to comply with the Compact. We can make the system work, but during times of drought we must have creative solutions in addition to further regulation to make compliance possible.

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Upper Republican Natural Resources District