

Colorado supports Kansas settlement plan, but...

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"We're happy to consider any substantive proposal, but so far we've seen nothing of merit."

The Republican River begins in northeast Colorado, winds its way through the Cheyenne County in extreme northwest Kansas and then into Nebraska. It re-enters Kansas near Superior, Neb., and flows southeastward until emptying into Milford Reservoir near Junction City. Discharges from Milford flow into the Kansas River.

Five larger Kansas cities have a stake in water from the Republican and Kansas Rivers, Junction City, Manhattan, Topeka, Lawrence and Kansas City, Kan.

Kansas contends unlimited drilling of water wells for irrigation, municipal and industrial use in Nebraska has severely reduced the flow, especially since 1985. Nebraska has about 10,300 wells compared to Kansas' 1,500 in the river basin.

Nebraska claims the wells are not part of the 1960 compact, but Kansas contends they take so much from the water table that they have to be included in water calculations. Colorado also claimed wells were not part of the Arkansas River compact, but lost that argument in court.

Kansas made a proposal in 1989 that gave Nebraska five years to develop a program for limiting the drilling of wells. But Nebraska took no action.

Kansas offered another proposal in 1995. It was supported by Colorado, but it takes all three states' approval to implement a plan.

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Colorado supports Kansas settlement plan, but Nebraska vetoes it

By LEW FERGUSON

Associated Press Writer

TOPEKA, Kan. (AP) - Colorado supported a Kansas proposal in 1995 to settle a dispute over use of water from the Republican River but Nebraska vetoed it, Chief State Water Engineer David Pope said Wednesday.

The irony is that Kansas was in court at the time, suing Colorado in a similar legal challenge over water in the Arkansas River. It won that case after a 12-year battle that went to the U.S. Supreme Court.

Colorado, Kansas and Nebraska are members of a Republican River compact formed in 1960. Kansas says Nebraska has violated the compact for years by allowing unrestricted drilling of water wells in the basin, and is threatening a lawsuit against Nebraska.

Kansas won't be suing Colorado this time. It's already done that in a dispute over enforcement of the Arkansas River compact, and won.

A special master appointed by the U.S. Supreme Court sided with Kansas, and the Supreme Court has upheld his findings. That case now is in a phase to determine how much money and water Colorado owes Kansas, but the stream flow in the Arkansas River already has improved appreciably.

Pope and Attorney General Carla Stovall reviewed the history of the dispute over the Republican River compact in appearances before the House Environment Committee.

Stovall is seeking approval of a resolution committing the Legislature to financial support for a lawsuit against Nebraska trying to force it to limit the drilling of water wells, which Kansas says has decimated the amount of water the river brings to Kansas.

The House committee took no action Wednesday, but legislative leaders have said they expect the resolution to win approval.

Stovall has not set a timetable for filing a lawsuit, and said Kansas remains open to proposals from Nebraska - including after a lawsuit is filed. But based on Nebraska's past position in negotiations, she said she sees a filing as inevitable.

"We think the letters we've seen from Nebraska recently are absolutely a ploy to stall us again," Stovall told the committee.

"They tricked us into doing that before, and we don't want them to trick us again."

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