

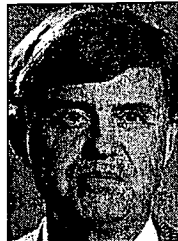
Beutler not happy with NRD decisions

Beutler proposes moratorium, meters in basin

DIANA LAMBSON

Hastings Tribune

The chairman of the Nebraska Legislature's Natural Resources Committee announced today he will introduce legislation placing a moratorium on new irrigation wells and making water meters mandatory in the Republican River basin.



Beutler

"I am disappointed with the lack of cooperation of some Natural Resource Districts in the Republican basin," state Sen. Chris Beutler of Lincoln said in a news release.

Beutler noted that while the Upper Republican NRD has enacted a well moratorium and mandatory metering, the Middle Republican NRD has acted only to require metering and the Lower Republican NRD has rejected both measures.

Beutler expressed concern that the recent rejection of efforts to monitor Nebraska's use of water in the Republican River alluvial plain will make a lawsuit by Kansas inevitable.

Kansas officials claim Nebraska is using too much water, violating the Republican River Compact signed by Nebraska, Kansas and Colorado in 1943. Kansas is threatening a lawsuit against Nebraska

that could cost millions.

"All reasonable steps must be taken to show good faith on our part or we will just drift into a lawsuit, lose control of our destiny and increase the chances of greater damages against us," Beutler said.

Even if a lawsuit is filed, Beutler said, "these good-faith steps will enhance our position with federal decision makers."

LRNRD officials declined comment this morning.

Earlier this month, the LRNRD board of directors rejected 5-4 proposed rules and regulations for well metering in the district.

The vote came after the board heard strong opposition to the proposed document at a public hearing.

Don Adams of Lincoln, executive director of Nebraskans First, a statewide coalition of farmers working for the rights of groundwater irrigators, said the group supports local control.

"This shows Beutler does not support that as he has led people to believe he does," Adams said. "The decisions on a moratorium and metering were made by the local NRDs. I think it is now clear he is pushing for state control over groundwater irrigation in the Republican Valley. All his talk of local control is bogus."

Adams cited comments made recently by Gov. Ben Nelson that "Nebraska has an ironclad case to win a lawsuit against Kansas."

Beutler's proposal will be considered during the Legislature's upcoming session, which begins Jan. 7.

Hastings Tribune 12/30/97

LETTER TO THE EDITOR

Dear Editor,

Kansas' ongoing threats to sue Nebraska for alleged violations of the fifty-five year old Republican River compact continue to ring hollow and are now becoming tedious when the facts involved are considered.

Kansas wants groundwater wells which irrigate Nebraska's Republican River Basin farmland to be shut off or significantly regulated in order, Kansas says, to increase stream flow at the Nebraska-Kansas border. Kansas politicians say Nebraska is violating the Republican River compact and groundwater irrigation is the cause and if we do not do something about this they will sue us in the U.S. Supreme Court just like they did against Colorado back in 1985. Does Kansas have a factual basis to support their case and to prevail over Nebraska in a costly lawsuit? Should Nebraska officials and negotiators bargain away the present and future irrigation rights of Republican River Basin farmers in order to appease Kansas and thereby dodge a lawsuit? The answer to both questions is NO.

The Republican River is a surface water runoff fed river. Therefore, the factors most affecting stream flow are first, conservation measures (terracing, farm ponds, eco-fallow, CRP, conservation tillage) that retain water on the land rather than allowing it to freely find its way to the river. These conservation measures are very beneficial and most are federally mandated; and second, vegetation on the river banks that consume a substantial amount of water from the river. The impact groundwater pumping has on stream flow is minor. One top water expert from the University of Nebraska said that on a scale from 1 to 10, the effect of groundwater pumping

on Republican River stream flow is maybe a 1. The state could literally shut down all the wells in the Republican River Basin and thereby increase total stream flow into Kansas a mere 5% or so. This can be positively stated because a lot of the water applied to crops eventually finds its way back to the river and many wells have no or almost no relationship whatsoever to the river in the first place.

Still, the point that must not be lost is that Nebraska groundwater pumpers are the sole target of Kansas politicians and even some Nebraska officials even though groundwater irrigators are very small players in a game that in the end seeks to punish only them. In fact, the federal government's Bureau of Reclamation Project Manager of Nebraska-Kansas projects actually said in Lincoln back in July 1994 that Nebraska Republican River Basin irrigators were going to be "whacked first."

If Kansas sues, it will have to show by facts that somehow Kansas is suffering harm as a result of Nebraska's actions.

The facts reveal that during the fifty-five years of the Republican River compact's existence, Kansas has not received its compact specified allocation in only one year - 1991. Furthermore, during the thirty-five year period between 1961-1995, Kansas has received actual Republican River annual flows from Nebraska at the state line which average a whopping 167,000 acre feet more per year than Kansas is specifically allocated under the terms of the Compact. And what does Kansas do with all that excess water Nebraska delivers? Regrettably, Kansas typically uses only a small percentage of the total flows we send them. During the years 1991-1995, Kansas used an average of only 26% of the Republican River water we sent them. Where does the remainder of the water end up? In the Gulf of Mexico as useless saltwater. In a word, Kansas is wasting the water we send them. On the other hand, Nebraska irrigators are putting the water they divert from the river or pump from the ground to beneficial use. Nebraska really ought to sue Kansas for violating Article I of the Compact which states that the major purpose of the compact is "to provide for the most efficient use of the waters of the Republican River Basin." The facts show that Kansas is in clear violation of this important provision of the Compact.

Of paramount importance in this whole dispute which continues to focus on Nebraska groundwater pumping is the fact that groundwater is not even included or even mentioned in the Republican River Compact. Nebraska Water Resources Director Mike Jess, who sits on the Republican River Compact Commission has clearly affirmed this fact and still stands by it. This being so, any discussions, deals and negotiations involving Nebraska groundwater irrigation is totally off track and unwarranted.

The Republican River ends at the Milford Reservoir in Kansas near Junction City. The State of Kansas has contracted with the federal government for 300,000 acre feet of storage which the state sells to cities and industry. Kansas farmers are specifically excluded from using any of the banked water. Therefore, at stake in any deal cut with Kansas to avoid a lawsuit are Nebraska irrigators' rights which will be compromised in order to benefit Kansas municipalities and industries, but not Kansas farmers.

Clearly, Kansas is not being harmed by Nebraska irrigation. To the contrary, the facts show that Kansas is being unjustly enriched by Nebraska's delivery of water at the state line.

Nebraska Attorney General Don Stenberg has made it clear to Kansas officials that if they sue, they will do so lacking a factual basis to support their claim. Of our state officials, he alone has stood up for Nebraska irrigators' rights.

If this controversy goes to trial, the special master (what they call the judge in such interstate suits) would only deal with the facts. Of no weight would be the political agendas and rhetoric of some opportunistic politicians and environmental groups seeking to gain more control of Nebraska stream flows for purposes contrary to the best interests of Nebraska irrigated agriculture.

Oftentimes this factually challenged rhetoric focuses on a lawsuit Kansas filed and won against Colorado over the Arkansas River under the conditions of an interstate compact between those two states.

Those seeking to appease Kansas say that if we do not roll over, Kansas will prevail in court over us just as Kansas beat Colorado in court several years ago. The use of such scare tactics by public officials seeking more con-

rol of our water is unfortunate. The truth is that the Arkansas River Compact's language and the facts involved in that care are totally different and therefore not analogous to the Republican River controversy between Nebraska and Kansas. For example, the Arkansas River literally dried up before it got to the Kansas border. In the Kansas-Nebraska Republican River situation the opposite circumstances and facts exist.

Kansas officials and elected representatives really need to learn and then come to terms with the facts involved in the Republican River matter before they jump into a costly lawsuit with Nebraska. Attorney General Stenberg has clearly and succinctly spelled out the key factual issues in a recent letter to the Kansas Attorney General.

It might also be a good idea for Kansas officials, rather than threatening lawsuits, to come up with ways to save, conserve and put to beneficial use the Republican River flows they are receiving and wasting.

Nebraska irrigators' use of best management practices, conservation measures, and efficient irrigation systems are resulting in more acres of land being irrigated with less water. Furthermore, the costs involved in operating wells, pumps and center pivot sprinkler systems assure wasteful irrigation practices are very rare.

Farmers, not government, are the best stewards of our valuable natural resources. Their lives and futures depend upon this good stewardship.

The five directors of the Lower Republican Natural Resources District who recently voted against mandatory metering of their wells and the many farmers who attended and participated in the NRD's public hearing on the matter should be commended for not caving into political pressure to appease Kansas by imposing metering. Considering all the facts involved in this Republican River issue, there is no good reason for these irrigators to roll over and allow more government restrictions and regulations to be forced onto their backs.

Sincerely,
Donald D. Adams, Jr.
Executive Director
Nebraska First

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Ann (last)

Faxed to
V. Norton
1/5/98

THE HASTINGS TRIBUNE

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Hastings/Region

Stenberg: Let NRDs decide

Attorney general says well ban wouldn't impact river dispute

SCOTT BAUER

The Associated Press

LINCOLN - Responding to a call from a state senator for a moratorium on new irrigation wells in the Republican River, Attorney General Don Stenberg on Wednesday said the action would have no impact on whether Kansas sues Nebraska.

In fact, Stenberg said in a prepared statement, a moratorium might actually hurt Nebraska's position in any potential lawsuit.

Earlier this week, Sen. Chris Beutler of Lincoln, who chairs the Legislature's Natural Resources Committee, said he would introduce a bill placing a moratorium on new irrigation wells and making water meters mandatory in the Republican River basin.

Stenberg on Wednesday refuted claims made by Beutler that rejections of efforts to monitor Nebraska's use of water in the Republican River basin could make a lawsuit by Kansas inevitable.

Kansas officials claim Nebraska is using too much water, violating the Republican River Compact signed by Nebraska, Kansas and Colorado in 1943. Kansas is threatening a lawsuit against Nebraska that could cost millions.

"A moratorium on irrigation

wells in the Republican River valley will have no impact on whether Kansas sues Nebraska, and will have no legal significance if a suit is filed," Stenberg said.

"Either Kansas is currently getting their legal share of water or they aren't," Stenberg said in his statement. "If they are, then no moratorium is needed. If they aren't, then a moratorium is inadequate."

Natural Resource Districts should decide on their own whether a moratorium on well drilling is appropriate, he said.

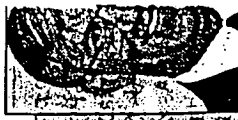
While the Upper Republican NRD has enacted a well moratorium and mandatory metering, the Middle Republican NRD has acted only to require metering and the Lower Republican NRD has reject-

ed both measures, Beutler said. "Senator Beutler is playing into the hands of Kansas lawyers who will no doubt argue in court that members of the Nebraska Legislature concede that the compact applies to underground water in addition to surface water," Stenberg said.

In response, Beutler said Stenberg's statement "reflects poor legal analysis, bad judgment and dishonest characterization." Beutler said by making his proposal he is just trying to create an atmosphere conducive to settlement and negotiation.

"I think common sense would tell you that (Kansas is) less likely to sue if they perceive our position as in the realm which may be reasonable," he said.

"A moratorium on irrigation wells in the Republican River valley will have no impact on whether Kansas sues Nebraska and will have no legal significance if a suit is filed."



Don Stenberg

Red Closed Chief
12/3/97

New option for settlement forwarded to Kansas

A new proposal has been developed to avoid a lawsuit with Kansas over the use of water in the Republican River. A copy of the proposed option for settlement has been forwarded to David L. Pope, Director, Division of Water Resources in Topeka.

According to J. Michael Jess, Director of Nebraska's Department of Water Resources, the hope is the proposal will be the basis of renewed negotiations with Kansas.

The Nebraska Republican Basin Water Management Districts identified the primary goal of the settlement option to be the ability to consistently deliver to Eastern Kansas the volume of water required by the Republican River Compact while maintaining equitable delivery to Western Kansas, Colorado and Nebraska water users.

The net effect of combining sub-basins would be a consistent water delivery with minimal adverse economic impacts. To deliver these flow requirements Nebraska would maintain minimum annual and ten-year running average flow requirements at

various in-state gaging stations in Nebraska.

With the flow requirements designated, the management authorities would be dedicated to regulate surface water diversions and ground water pumpers when and where regulation would have a beneficial impact on needed flows.

This proposed option demonstrates that inter-state Compact flows can be met with what the group feels is the minimum possible overall detrimental economic effect on the basin.

It is clear, however, that in years of low rainfall, some intra-state allocation adjustments may have to be made in order to meet state-line flows. This means that all management authorities may have to be involved in regulating ground and surface water use. If significant restrictions are necessary, there will be detrimental economic impacts on irrigators, local communities and state economies.

According to the option for settlement, the state of Kansas will maintain

and a ten-year running average of kaf on the Arikaree River at the line with Nebraska;

- an annual flow of at least 8.0 kaf and a ten-year running average of kaf on the South Fork of the Republican River at the state line with Nebraska;

- an annual flow of at least 3.0 kaf and a ten-year running average of kaf on the Driftwood Creek at the line with Nebraska;

- a combined annual flow of at 24.3 kaf and a ten-year running average of 29.4 kaf at the state line Nebraska from Beaver Creek, S Creek, and Prairie Dog Creek.

Should Kansas fail to maintain annual flow requirements into Nebraska, the following year Kansas would have to deliver their annual requirement plus an additional amount of water equal to 1.2 times the previous year's deficit. In the year deficit occurred, Nebraska's obligations to Harlan County Reservoir and the delivery requireme

- an annual flow of at least 3.1 kaf

continued on page 5

Option for settlement

continued from page 1

•If Nebraska fails to deliver the required annual flows into Harlan County Reservoir, adjusted as stated in Sections I.A.2, I.A.3, I.B.2, and I.B.3, 1.2 times the deficit will be added to the following year's annual inflow requirements. If the ten-year average delivery requirement, adjusted as stated in Sections I.A.2, I.A.3, I.B.2, and I.B.3, is not met, 1.2 times the deficit must be made up within the next five years.

Nebraska's obligations below Harlan County Reservoir include:

- On the mainstem of the Republican River at Hardy, Nebraska will maintain an annual flow of at least 138.0 kaf and a ten-year running average 160.0 kaf minus the evaporation from Harlan County Reservoir attributed to Kansas. All deliveries to Kansas irrigators between Harlan County Reservoir and the Hardy gage, including deliveries to Kansas through the Courtland Canal, will be subtracted from the flow requirement at Hardy.

- The deliveries in the Courtland Canal to Kansas shall be measured at the state line.

For the purposes of this agreement, the water year will extend from December 1 to November 30.

Colorado, Nebraska and Kansas will negotiate provisions to share appropriately when drought or facility

operations create reductions in flow.

The non-flood storage capacity of the Harlan County Reservoir is currently under permit to the Federal Government via the Bureau of Reclamation. The Bureau of Reclamation uses the storage to service contracts with federally built projects in Kansas and Nebraska. This proposal will honor these contracts in both states. Should the contracts with the Bureau of Reclamation be changed in the future, this proposal may be renegotiated.

Kansas at the Nebraska-Kansas state line will be reduced by 49 percent of the amount of the deficit, adjusted for conveyance losses. The conveyance losses will be determined jointly by Nebraska and Kansas.

If the ten-year average delivery requirement is not met, 1.2 times the deficit must be made up within the next five years. The deficits and make-up water will be divided between Kansas and Nebraska in the same manner as the annual deficit and make-up water.

Nebraska's obligation above Harlan County Reservoir are:

- Nebraska will maintain an annual flow of at least 70.0 kaf and a ten-year running average of 105.0 kaf as inflow to Harlan County Reservoir, adjusted as stated in Sections I.A.2, I.A.3, I.B.2 and I.B.3.

Stenberg: Moratorium won't stop Kansas suit

By GINGER JENSEN

Hub Staff Writer

1-1-98

LINCOLN — Legislation placing a moratorium on new groundwater irrigation wells along the Republican River in Nebraska wouldn't prevent a Kansas lawsuit over river water use, Nebraska attorney general Don Stenberg said.

STENBERG'S comments came in a press release Wednesday in response to a Tuesday announcement by state Sen. Chris Beutler of Lincoln. Beutler said he's preparing a legislative bill for the session that starts Wednesday that would place a moratorium on new irrigation wells in the alluvial plain of the Republican River.

It also would require water meters on all existing wells in the alluvial.

FOR SEVERAL years, Kansas officials have threatened to sue Nebraska over delivery of Republican River water allocated in a 1940s compact signed by Nebraska, Kansas and Colorado.

"A moratorium on irrigation wells in the Republican River Valley will have no impact on whether Kansas sues Nebraska, and would have no legal significance if a suit is filed," Stenberg said.

However, Beutler told the Hub Tuesday that the bill is

See ♦ KANSAS, page 6A

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Continued from page 1A

important.

"It is a good faith demonstration by Nebraska while their (Kansas) Legislature is talking about a possible lawsuit," Beutler said.

Beutler, chairman of the Legislature's Natural Resources

Committee, said the bill is being prepared because of a lack of cooperation from some of the Republican River Natural Resources Districts.

The Lower Republican NRD, based in Alma, has rejected a moratorium and its board voted Dec. 11 against metering.

STENBERG'S PRESS release

says the governor of Kansas already has taken the position that a morato-

rium on new wells wouldn't be sufficient to stop Kansas from filing a lawsuit.

Mike Matson, press secretary to Kansas Gov. Bill Graves, was not available to comment this morning on Stenberg's remarks. However, Kansas attorney general Carla Stovall has said she will seek approval and funds to file a lawsuit against Nebraska with the U.S. Supreme Court when that state's Legislature convenes next week.

According to an Associated Press report this morning, Beutler said he's trying to create an atmosphere conducive to settlement and negotiation. He said Stenberg's statement "reflects poor legal analysis, bad judgment and dishonest characterization."

"Natural Resources Districts should decide for themselves whether a moratorium on well drilling is appropriate," Stenberg said.

When contacted by The Hub Tuesday, most members of the Lower Republican NRD Board of Directors agreed with Stenberg's statement.

"I guess the Legislature has the authority (to pass the legislation)," said board president Dave Walton of

Franklin, "but I thought an NRD he local control."

The first reaction of state Sen. E Schrock of Elm Creek, another member of the Legislature's Natural Resources Committee, to Beutler's legislative proposals was, "They go local control."

He said this morning he hasn't had a chance yet to talk to LNRRI officials about Beutler's proposals (their vote not to require metering within the district).

"I UNDERSTAND how Sen Beutler feels. I think if we do get in catfight with Kansas, we do need the information," Schrock said, referring to data that can be gathered with well meters.

But he said he's not yet ready to vote to give away local control.

Schrock said he's not sure Beutler really wants state mandate to take place or if the proposed legislation is his way of "firing a shot across the bow."

Schrock's other concern is the cost to farmers, who are discouraged now about low commodity prices for grain and livestock. "It all takes money," he said.

Hub Staff Writer Lori Potter contributed this story.

National Security Council staff at the White House last summer "for whatever reasons, asked that they not share the briefing, and they honored the request."

"The president should know," Clinton said.

Within hours, the FBI issued a statement denying this account, saying that it had "placed no restriction whatsoever on the dissemination up the chain of command at the NSC on any informa-

Calif., confirmed that she was among those briefed. Three more members of Congress confirmed Monday that they had received FBI warnings — Sens. Daniel Patrick Moynihan, D-N.Y., and Barbara Boxer, D-Calif., and Rep. Nancy Pelosi, D-Calif. The two others remain unidentified.

During his East Room press conference with Egyptian President Hosni Mubarak, Clinton said he had ordered

Please turn to Page 2, Col. 5

3-11-97

Kansas to Nebraska: River Talks Are Over

BY JULIE ANDERSON
WORLD-HERALD STAFF WRITER

Kansas has pulled out of talks with Nebraska over sharing water in the Republican River, saying that the states aren't making progress and aren't likely to soon.

The move places Kansas one step closer to filing the lawsuit it has been threatening for several years. Since fall 1995, teams from the states have been meeting with a mediator, at Nebraska's suggestion, to try to resolve the dispute.

A lawsuit "is an alternative we're going to be looking at much more seriously than we have to date," said David Barfield of the Kansas Department of Agriculture's water resources division. "It is our only alternative, pretty much."

Gov. Nelson said Nebraska would encourage Kansas to return to the negotiating table. Nebraska has continued negotiations with Wyoming on a somewhat similar North Platte River dispute even while its lawsuit against Wyoming has been pending in the U.S. Supreme Court.

"I don't think you generally stop discussions and negotiations just because a lawsuit's filed," Nelson said.

A lawsuit, in addition to costing both states money, could be detrimental to

Nebraskans and to the state's agriculture-driven economy, he said. Placing the issue in the hands of the courts would take away local control over resolving the issue.

"If we can negotiate these differences to a settlement, we're better off," Nelson said.

At the heart of the dispute are Kansas' arguments since the 1980s that Nebraska has been allowing more water development and water use in the basin than allowed under the 1942 Republican River Compact, which also includes Colorado. The river runs along the western half of the southern edge of Nebraska, then south into Kansas.

At stake in Nebraska is a portion of the water now used to water fields and grow crops that feed not only the local but the state economy.

Nebraska and Kansas drafted a proposed settlement last summer and took it to residents in both states.

The proposal would have required Nebraska to reduce its water use in the valley and would have involved groundwater irrigators for the first time in meeting water-delivery goals.

Most Republican River Valley residents said the proposal gave away too

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backgrounds of both men, then allow the public and interest groups to meet with them in Omaha, probably the week of April 1. The board also would make

its decision that week.

The new superintendent will replace Norbert Schuerman, whose contract was not renewed for 1997-98.

Both men have experience in the Omaha schools. Both have doctoral degrees. Both have been classroom teachers and school administrators. Both played football as young men. Both married Nebraska women.

They differ markedly, though, in the personal and professional paths that have led to the status they share as finalists to head the Omaha school

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Water Ruling Backed

Dispute Involves Republican River

BY PAUL HAMMEL
WORLD-HERALD BUREAU

Lincoln.— A ruling favoring Kansas in a water dispute with Colorado should deliver "a very strong" message to Nebraska over its use of groundwater along the Republican River, a Kansas state official said Tuesday.

Kansas has complained for many years about what it says is unregulated overpumping of groundwater along the Republican in Nebraska.

David Pope, the director of the Kansas Division of Water Resources, said a recent ruling in a dispute with Colorado strengthens Kansas' hand in seeking cutbacks in use of water along the Republican in Nebraska.

"It should send a very strong message to them that the outcome is not very much in doubt," Pope said.

"It's more a matter of whether Nebraska decides to take care of this themselves or whether they're going to be forced into expensive and difficult litigation to resolve it with less choice on their part," he said.

Preliminary Ruling

J. Michael Jess, Nebraska's director of water resources, said that bold words from Kansas were premature because the ruling was only a preliminary recommendation by a special master to the U.S. Supreme Court.

"It remains to be seen what the court will do," Jess said.

He added that Nebraska continues to maintain that groundwater is not covered under a Republican River compact it has with Kansas and Colorado. He said Nebraska has not overused its allocation of Republican River water.

Pope commented following a ruling last week that Colorado had violated a 1949 compact by allowing too much groundwater to be pumped by wells along the Arkansas River in southeast Colorado.

Pope said that the special master's decision, though tentative, is viewed as a major victory for a downstream state in enforcing river flows outlined in a compact with an upstream state.

Kansas officials have contended that Nebraska has violated the terms of the Republican River Compact during the past 10 years. That compact was reached by Colorado, Nebraska and Kansas in 1942 and sets up annual allocations of water for each state.

Still Hoping

Both Pope and Jess said they still hope that the states can resolve the issue through meetings of the Republican River Compact, which meets in June.

Pope said Nebraska also could address Kansas' concerns by adopting laws to regulate the use of groundwater and stream flows, a debate scheduled for 1995 in the Nebraska Legislature.

Pope said Kansas would consider legal action, depending on progress made in Nebraska this summer and next year in passing water-use laws.

Jess and Pope are tentatively scheduled to discuss the ruling at a public meeting March 14 in Franklin, Neb., called by local water users.

ated with Mr. Lake's... intelligence community."

On the eve of his twice-delayed confirmation hearing, Lake won the endorsement of three former senators, including New Hampshire Republican Warren Rudman.

"After four years as the president's national security adviser, Mr. Lake un-

Senate. Several conservative Republicans have said they won't allow the nomination to go forward until the White House submits Lake's entire FBI personal file for examination, something the Clinton administration has refused to do.

White House Press Secretary Mike McCurry said Lake will be introduced today to the committee by Rudman and Sens. John McCain, R-Ariz., and Edward Kennedy and John Kerry, both D-Mass.

might try to... elections. McCurry said the aides instructed not to pass the inform to their White House bosses. In addition, lawmakers are conc with the \$5,000 settlement Lake p

River Talks Are Over, Kansas Says

Continued from Page 1
much. Nebraska proposed changes to the plan last fall, and Kansas agreed to look at them.

"The general feeling here is that if we have to give everything away, we might as well fight for it," said Wayne Heathers, general manager of the Middle Republican Natural Resources District in Curtis, Neb.

J. Michael Jess, director of the Nebraska Department of Water Resources, said Kansas hinted at its position in a meeting two weeks ago and confirmed its decision to leave the talks in a telephone conference Thursday.

Nelson said he's not exactly sure what Kansas expects from Nebraska. "Ultimatums generally cause people to fix their positions rather than work out solutions," he said.

Jess said Kansas indicated that changes in groundwater regulation allowed under last year's Legislative Bill 108 would be too slow.

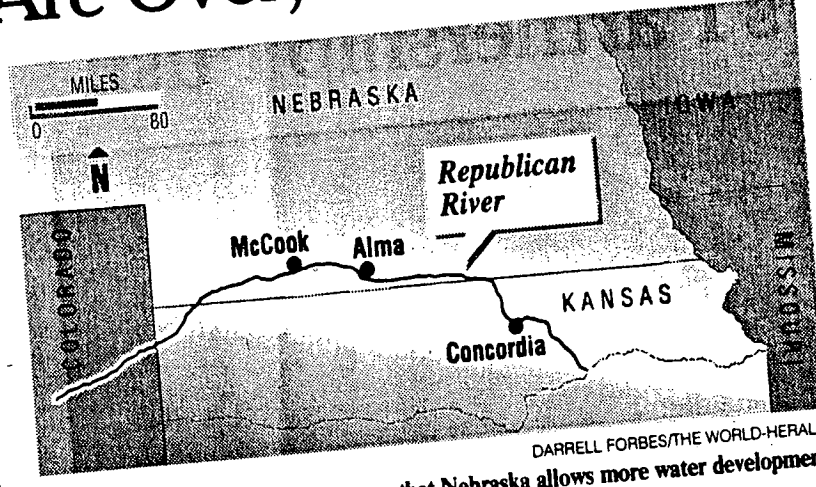
LB 108 legally recognized the connection in some areas between groundwater and water levels in rivers and streams and allowed natural resources districts to regulate groundwater. But putting such measures in place requires studies that the NRDs are just beginning.

An amendment to LB 416 proposed by State Sen. Owen Elmer of Indianola, however, could give the states a little breathing room to negotiate.

The amendment, pending in the Legislature's Natural Resources Committee, would allow NRDs to place temporary moratoriums on drilling of new water wells in river valleys for up to three years, pending studies under LB 108. Elmer said the bill would not affect small wells, replacement wells, emergency wells used by municipalities or wells for construction projects.

Barfield said the passage of the amendment and the approval of moratoriums on new wells would help. "It's hard to talk and talk and talk while you all drill and drill and drill," he said.

But Nebraska's negotiators would have to have the backing of Nebraskans to close a deal, rather than just to con-



TROUBLED WATERS: Kansas says that Nebraska allows more water development and water use in the river basin than allowed under a 1942 compact.

tinue talking, he said. Kansas believes that Nebraska has been backing away from its commitment to resolve the dispute.

Statements by Nebraska Attorney General Don Stenberg and some water users indicating that Nebraska would win a lawsuit "appears to be convincing some people that Nebraska shouldn't be negotiating," Barfield said.

Kansas may make another attempt at talking during the annual Republican

River compact meeting in June, he said. In the meantime, political pressure in Kansas to resolve the situation is intensifying.

Elmer said he won't be interested in pushing the LB 416 amendment without the support of water users.

Jess has said that Nebraska essentially has three options in the dispute: follow the compact to the letter; do nothing and see if Kansas sues; or try to reach a settlement.

French Author Dies; 'Blinked' His Text

Paris (AP) — French journalist Jean-Dominique Bauby, who wrote a book by blinking after he was almost completely paralyzed by a stroke, has died at 44.

Bauby, whose "Le Scaphandre et le Papillon" ("The Diving Suit and the Butterfly") was published last week, died Sunday at a hospital, said editor Robert Laffont. The cause of death was not announced.

Bauby, a former chief editor of France's Elle magazine, suffered a massive stroke a year ago that left him almost completely paralyzed, speechless and nearly deaf.

Frustrated by his inability to express himself, Bauby learned to communicate by blinking his one functioning eye.

His book is a poetical and highly imaginative voyage through the mind of a man whose thoughts are trapped inside a paralyzed body. The book received glowing reviews.

Using a special alphabet in which the most commonly found letters came first, Bauby blinked out the text word by word to a Laffont editor.

The French magazine Paris Match estimated that Bauby blinked more than 200,000 times.

List Pared to 2 for Omaha Schools Post

Continued from Page 1
tem.

Faison is 63. Mackiel is 47. Mackiel has spent his entire career in the Omaha schools. Faison has worked in school districts in six states.

A graduate of Rummel (now Roncalli) High School in Omaha, Mackiel went two years to Northeastern Nebraska College in Norfolk, before graduating in 1972 from the University of Nebraska at Omaha. He began teaching that summer in a

fourth grade in Emporia, Va., in the 1950s.

After stints in Toledo and Shaker Heights, Ohio, Faison was executive director of instructor services in Omaha from 1983 to 1985.

He spent a year as assistant superintendent in Dayton, Ohio, then three

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Continued from Page 1
his staff to find out why he made aware of the FBI suspicion ton said such information would raise "a red flag" and promptly consider how it should affect things with the communist nation.

"It didn't happen. It should have opened. It was a mistake," Clinton said. While he displayed no outward anger at not being informed, president said no one should think that his calm demeanor meant not angry.

"What I seem and what I feel are two different things," he said.

FBI counterintelligence Jerry Doyle and Ray Wick provided the June 3 briefing on efforts by the Chinese to recruit members of Congress, officials said.

The information was provided by Raymond Beers, the head of intelligence programs office, and responsibility for counterintelligence matters, and Edward Appel, special agent detailed to the office.

"What they did was proper," an intelligence official said during a briefing. "They provided information and kept it in channels but didn't restrict it."

McCurry said Monday that White House Counsel (NSC) went back to the two NSC Monday "and they are aware of specifically that the (by the FBI) not to disseminate information outside the White House. Therefore the White House FBI statement to be in its statement, the briefed senior staff members of the NSC.

In its statement, the NSC likewise placed no restrictions on the respective men and ranking minor officials. Clinton aides said the White House beyond was aware of the report in a newspaper column and fund-raiser John Huan connections. That triggered NSC officials to recall

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middle-age women.

It is generally agreed that women should have annual mammograms starting in their 50s onward, but that the tests cut de-