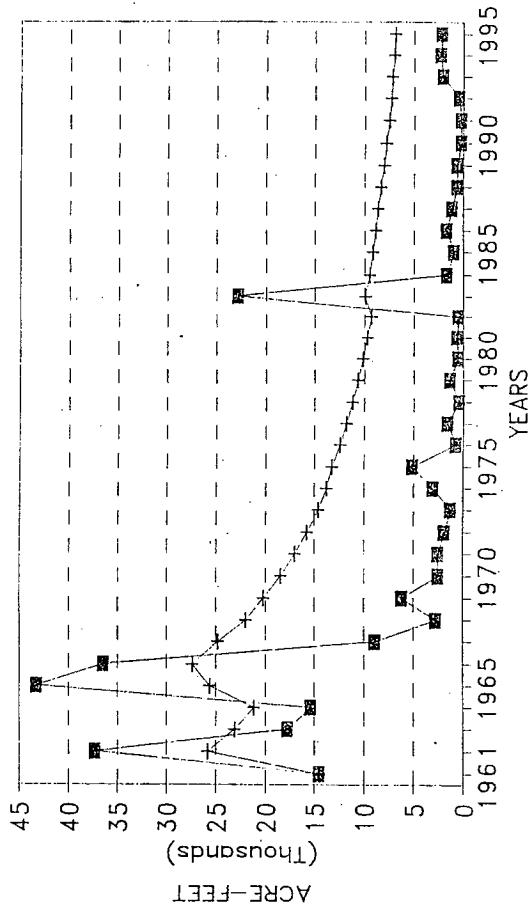


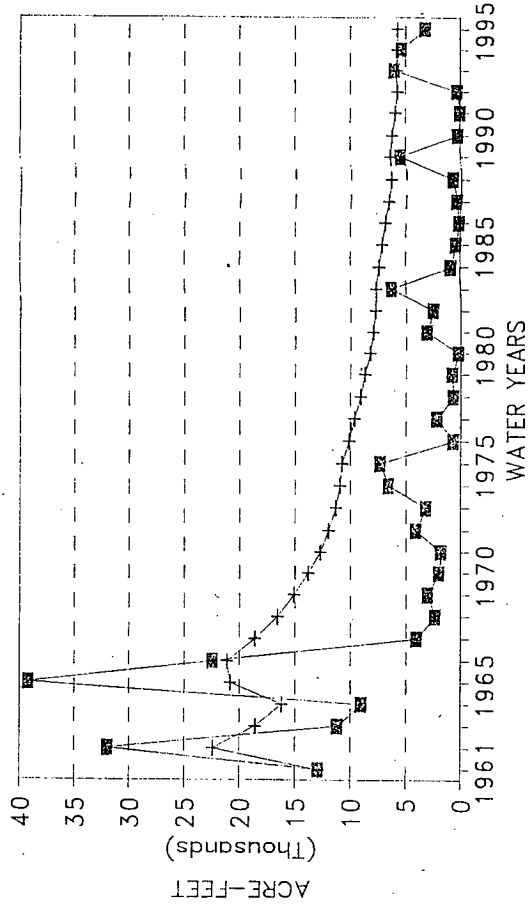
# REPUBLICAN RIVER NEBRASKA VS. KANSAS

BEAVER CR. NR. BEAVER CITY  
06847000



—■— ANNUAL RUNOFF(A-F) —+— ACC. AVG FOR PERIOD

BEAVER CREEK AT CEDAR BLUFFS, KS  
068846500

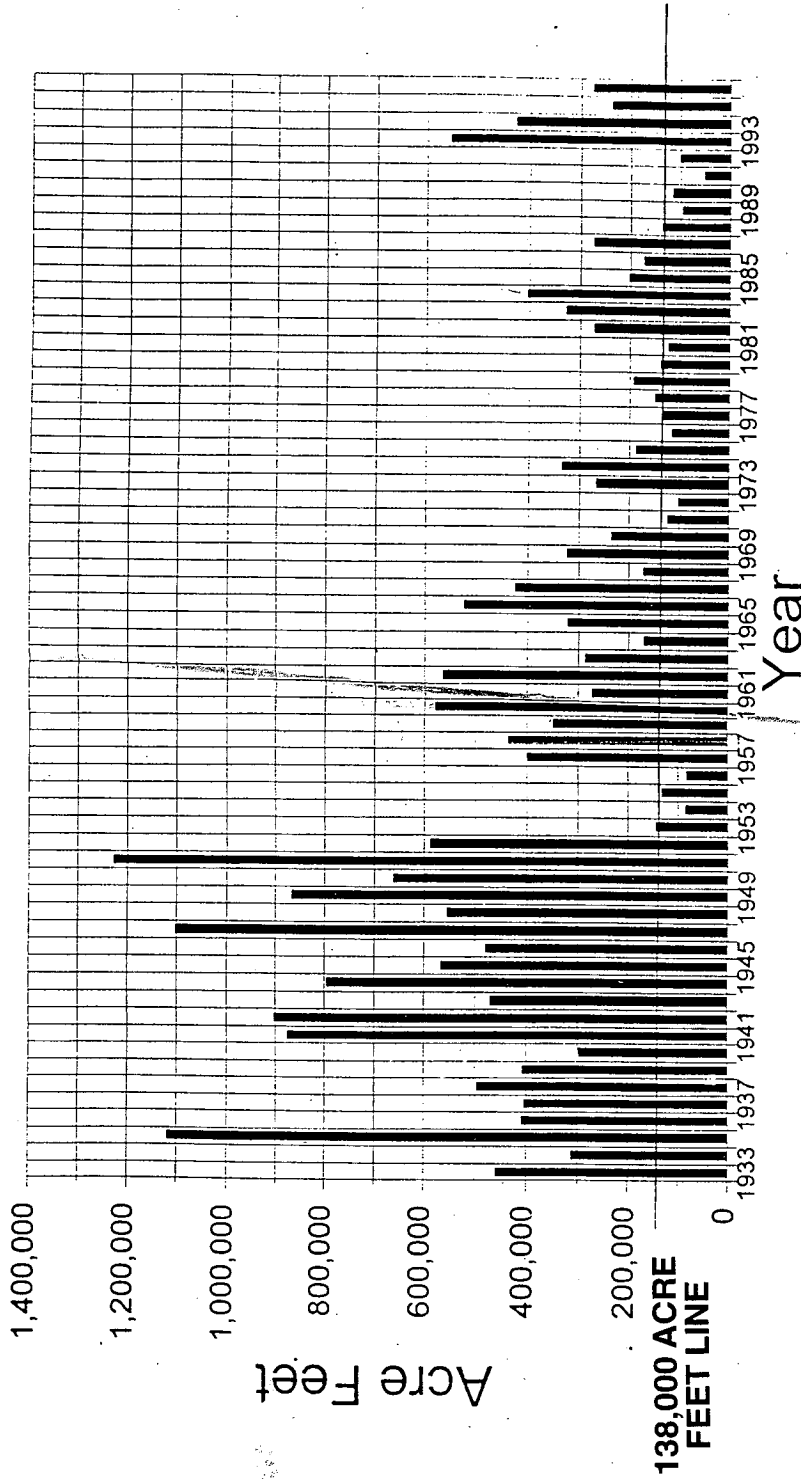


—■— ANNUAL RUNOFF(A-F) —+— ACC. AVG FOR PERIOD

**DECLINING CREEK FLOW** — These two graphs show how the flow of water is occurring on Beaver Creek, one of the 13 sub basins on the Republican River, in both Kansas and Nebraska. The accumulated averages since the late 1960s have steadily been declining on both sides.

Courtesy graph

# Annual Flow Republican River nr Hardy Water Year 1933-1996



Courtesy graph  
**REPUBLICAN RIVER FLOWS** — The graph shows the amount of water that goes into Kansas at the Hardy, Neb., measuring gauge. The graph may be a little misleading because it doesn't show the diversion of water on the Courtland Canal that Kansas diverts off for irrigation on the Nebraska side. Note that since 1952, after the Harlan County Dam was built, the high flows for some years have disappeared.

## Country Comments

By  
**DAVE  
NELSON**



Not since the flood of 1935 has the Republican River made the front pages of local newspapers. The one big difference is that 54 years later the word "flood" has been replaced with "lawsuit."

Frustrations on both sides, Kansas and Nebraska, keep escalating over who is using or not getting their fair share of water from the river basin.

So how did this problem arise with our neighbors to the south?

Go back to 1943 when the Kansas-Nebraska-Colorado Republican River Compact was signed. For several years Kansas and Nebraska have argued about the amount of water Kansas is receiving for its share of the Republican River flow based on the Republican River Compact. What the problem basically boils down to is three words, "Virgin Water Supply." Under the 1943 compact, Kansas is entitled to 138,000 acre feet of water annually at the state line. No problem there. In fact, Kansas received 4.3 million acre feet over their minimum allocation between 1961 and 1994. However, according to the compact, Kansas, Nebraska and Colorado are to share the excess water in the river known as "virgin water supply." It is the definition of these words that is causing disagreement. Under the compact, Nebraska is to get 49 percent, Kansas 40 percent and Colorado 11 percent of this water. But, because the annual water supply varies depending on precipitation, the states can't calculate how much water each is entitled to until the end of the year. Shortages or surpluses aren't determined until after they occur.

The Republican River Compact divided the basin into 13 sub basins. Each of these basins allowed so much water to be used by the states above the minimum flow that was stated in the compact. It's here that Kansas is crying foul. The 10,000 plus irrigation wells Nebraska has drilled in these

sub basins is taking more than the 49 percent of the virgin water supply, according to Kansas. Nebraska says no, this is not true because the 1943 compact does not mention the words "ground water," which the wells pump.

So Nebraska state and basin officials have been negotiating with Kansas for nearly two years to settle differences. But, a year ago this month, negotiations were broken off by Kansas. Differences were too great to resolve according to Kansas.

Last fall Nebraska's Republican River Coalition Group presented Kansas with a proposal. This proposal would establish minimum and ten-year average flow levels. Kansas Attorney General said this proposal was an insult. Could it be

that Kansas is telling Nebraska, "You ignored us about basin flows, now we're going to ignore you on a settlement?"

So the big question is, who would win in a long court battle? If you look at the past history of court cases, one must favor Kansas. Courts seem to favor downstream states. They also tend to go by what the compact said when it was written, in this case 55 years ago. Even Nebraska has to admit some of its sub basins in the Republican are being overused. But one could easily argue so is Kansas.

Even though both sides still keep talking lawsuit and we'll see you in court, things could change. Once Kansas files a lawsuit, negotiations between the two states could settle down

The price and demand for water will eventually affect us all in some way or form.

NORTHERN EDGE OF RIVER BASIN

GOSPER COUNTY

PHELPS COUNTY

KEARNEY COUNTY

ELWOOD

BERTRAND

AXTELL

MINDEN

HOLDREGE

WILCOX

NORMAN

HEARTWELL

SOUTHERN EDGE OF RIVER BASIN

REPUBLICAN RIVER BASIN — This picture shows how far the Republican River Basin comes into Kearney, Phelps and Gosper counties. Most people would be surprised by the number of basin irrigation wells that lie in these three counties. Kearney County has 204, Phelps 777 and Gosper 400 for a total of 1381 with 172,920 acres watered from these wells.

Courtesy graph

1-800-357-2704 (308) 236-6820 Residence

STEVE LINDEN

COLDWELL BANKER

Town & Country Realty  
of Kearney  
4503 2nd Avenue

JUST LISTED: 10.8 acres south-  
west of Minden, 2,900 sq. ft. ranch style  
home, three-car garage, two horse barns.

Over 900,000 potential customers!

Advertise in this amount of space for only \$650\*  
Reach over 400,000 Nebraska households!



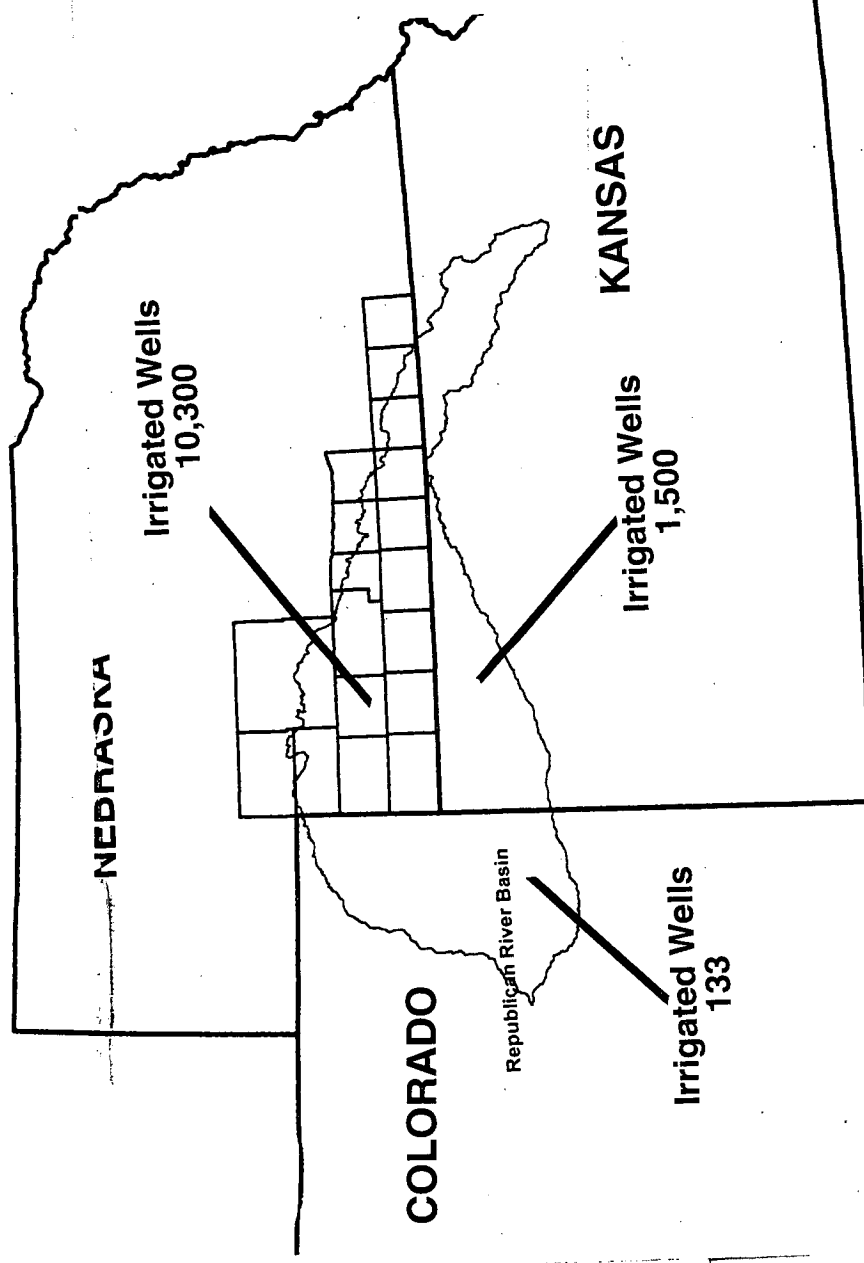
Contact this newspaper  
for more information,  
or call 1-800-369-2850.

\* Statewide coverage for less than \$4.40 per publication. Regional ads  
also available in Central, Northeast, Southeast, or Western Nebraska.

Nebraska 2x2 Display Ad Network

**CONFIDENCE**  
with CropRevenue  
Coverage

I'm not afraid of:  
Bad Markets  
Falling Prices  
Hail  
Floods  
Drought  
Insects  
Early Frost  
Storms  
or the  
Big Bad Wolf



Courtesy graphs

THE REPUBLICAN RIVER BASIN — Not many people realize that the Republican River Basin covers nearly an equal amount of land in the three states.