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Nebraska's Department of Natural Resources (DNR), its director and the three Republican Basin natural resources districts (NRDs) got hit with another lawsuit from a second surface water irrigation district in Nebraska.

On Jan. 11, the Nebraska Bostwick Irrigation District (NBID), based in Red Cloud, filed suit in Lancaster District Court seeking relief and damages from the above-listed defendants over stream flow use in the basin.

The suit came just four days after the Frenchman-Cambridge Irrigation District (FCID) filed suit against these parties over the adoption of new integrated management plans (IMP). The FCID suit also named the Nebraska attorney general.

The latest lawsuit from NBID encompasses the scope of two lawsuits filed by FCID.

Like the FCID suit, the Bostwick suit wants the integrated management plans adopted by the Republican Basin NRDs and approved by DNR to be set aside as unconstitutional.

Irrigators from FCID have already filed suit against the state for the taking of surface water in 2013 and 2014 without any compensation. They are seeking millions in damages in what is expected to become a class action lawsuit.

The Bostwick suit makes the same class action claim against the state on behalf of their irrigators but also includes the basin NRDs as defendants. That raises the possibility the NRDs could be held liable for damages, as well.

However, NBID left the door open with language to amend the suit should the class action complaint need to be filed separately.

It's unknown whether such a suit would include the NRDs as plaintiffs.

Claims listed

Claims listed in the lawsuit are:

- The integrated management plans used to manage and control both groundwater and surface water in the Republican River Basin are unlawful and unconstitutional.
- Compact call closing notices issued in November and December 2015 by DNR on Bostwick regulating incoming stream flow for 2016 are unlawful and unconstitutional.
- Actions by the DNR director to regulate surface water stream flows are unlawful and exceed his authority.
- Actions by the defendants to administer surface water in 2013 and 2014 resulted in a taking of property owned by Bostwick members, along with damages, without compensation.
- If they are not entitled to relief in the four claims listed above, they claim their constitutional rights, due process of law and equal protection have been violated.

An exhibit within the suit also lists all of the Bostwick members who are seeking to join the class action.