

World-Herald editorial: Court frames way forward on river

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Kansas has waged a legal war with Nebraska over Republican River water for decades.

This week, the U.S. Supreme Court may have helped set both states on a path toward peace.

True, the high court's decision will force Nebraska taxpayers to pay \$5.5 million to Kansas for overuse of river water and the economic damages of Kansas lacking access to it.

But that's tens of millions less than Kansas had demanded.

The ruling also laid the groundwork for correcting the formula that determines how much water Nebraska can use and how much Kansas can expect to receive.

That should give leaders in both states confidence that irrigators and state and local water officials can move past this dispute. Because Nebraska taxpayers don't want to write this check again.

Courts are there to settle these kinds of disputes. Nebraska was right to fight Kansas' push to shift the river into federal control and halt irrigation on about 200,000 productive acres.

As the special master determined, Republican River irrigators did pump too much water for crops in the historic drought year of 2006.

But in recent years, local irrigators and natural resources districts have stepped up admirably. Working with the state, they implemented sensible pumping restrictions. Officials worked to keep more water in the river, removing brush and even supplementing surface water with groundwater.

Kansas now receives the amount of water to which it is legally entitled under a 1943 compact where the states agreed to set aside 49 percent of the river's water for Nebraskans, 40 percent for Kansans and 11 percent for Coloradans.

Many Nebraskans, working with the University of Nebraska-Lincoln, Kansas State University and others, now have a head start on strategies to use less water to grow more crops.

Politicians this week jostled to claim public victory for Nebraska or Kansas. But both states have something to boast about.

Nebraskans noted that Kansas originally sued for \$80 million and was awarded \$5.5 million. Kansans argued that the court set a key precedent of awarding economic damages for improper water use.

“We’ve all learned there are better ways to do business than in a courtroom,” Jasper Fanning, manager of the Upper Republican Natural Resources District, told The World-Herald.

The court’s decision is a victory for common sense, grounded in science, guiding the management of a river that stretches its lifeblood from Colorado’s mountains through Nebraska’s croplands to the wheat fields of Kansas.

The victory is mutual, because it answers some of the water dispute’s longest-running questions. It sets two states too long at war over water on a path toward fruitful collaboration on the future of the river they share.