

By Steve Scharf

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On March 2, the Frenchman Cambridge Irrigation District had its day in the Nebraska Supreme Court.

The irrigation district contends that the Nebraska Department of Natural Resources is legally obligated to use scientific methods to determine if upstream Republican River Basin irrigation districts are using more water than allowed under state law.

“We’re not saying the basin is over-developed; we’re saying we want the department to use science and come up with their own determination,” said Brad Edgerton, manager of the Frenchman Cambridge Irrigation District.

“The department is the one with the scientists and those who need to evaluate. I trust their expertise,” he said in an interview after the hearing. “We want the problem solved now.”

Marcus Powers represented the department on behalf of the attorney general’s office. Powers contended the department doesn’t have legal authority to determine if portions of natural resources districts, such as irrigation districts, are over-appropriated.

Jeanelle Lust, who represented the Frenchman Cambridge district before the court, said in an interview that the lawsuit was about maintaining the watershed for future generations of farmers.

“I guess we can drain the hell out of the river, but it doesn’t make a lot of sense,” she said.

The Tri-Basin Natural Resources District is adjacent to the Frenchman Cambridge Irrigation District, and 40 percent of the Tri-Basin district is within the Republican River Basin.

“It’s just unclear to me how this proposed action would affect my district, but the potential could exist that we could have restrictions that we don’t have now,” Tri-Basin manager John Thorburn said of the court’s impending decision.

Thorburn said he was hesitant to discuss how the ruling would affect interstate relations with Kansas.

If the irrigation district wins its case, more water would flow into the district, which would cause more water to flow out of the district and into Kansas, he said.

As a side effect, Kansas could get more water than it should according to interstate compact agreements.

“It concerns me because I don’t think it would be in the state’s or basin’s interest to have this designation. I don’t think it’s a correct designation for the Republican River Basin,” Thorburn said.