



Nebraska's
Natural Resources
Districts

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Protecting Lives • Protecting Property • Protecting the Future

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NRDs WIN: COURT DISMISSES CNPPID LAWSUIT

(LINCOLN, NE) – Lawsuits filed by Central Nebraska Public Power and Irrigation District (CNPPID) against five Nebraska natural resources districts (NRDs) have been dismissed. The district court of Lincoln County issued its ruling on February 22, 2011 on the two remaining lawsuits filed against Twin Platte, and Tri-Basin NRDs. Similar lawsuits have been dismissed in other district courts against the Central Platte, South Platte and North Platte NRDs. CNPPID had filed and lost six lawsuits, with five of those losses have in the last two months.

“These lawsuits against the NRDs were unnecessary and pointless from the very beginning and it’s unfortunate that taxpayer dollars had to be spent in defending them,” said Dean Edson, Executive Director of the Nebraska Association of Resources Districts (NARD). “The NRDs have taken the proper actions in accordance with state law by working with the state Department of Natural Resources (DNR) to develop their management plans and CNPPID should have realized that from the beginning. These lawsuits have been a nuisance to the NRDs as they perform their responsibilities to their constituents of protecting lives, protecting property and protecting the future of Nebraska’s water,” Edson said.

In 2009 the five NRDs separately adopted a Basin-wide Management Plan (BWMP). The BWMP had been jointly developed with DNR in accordance with state law providing stakeholders and all water users to have input on the process. CNPPID participated in the joint development of the BWMP by providing input as a stakeholder and water user. CNPPID did not prevail in its attempt to intervene in the approved Integrated Management Plans (IMPs) and brought suits against each NRD in separate courts. In bringing these suits, CNPPID was essentially asking the courts to shut down other economic activity related to water use in the basin so they could have control over more water.

After years of blaming natural resources districts for their problems, officials that operate Lake McConaughy now have another water management problem to deal with. Snowmelt and rain-fall in the spring and summer of 2010 filled up Big Mac and the federal reservoirs on the North Platte River in Wyoming beyond capacity to handle this year’s spring runoff.

CNPPID officials said last week they fear seasonal runoff will fill McConaughy faster than they can release it to their hydro plants. The additional releases from Lake McConaughy will result in higher river flows and possible flooding issues for communities downstream.

With the February 22nd dismissal, all of CNPPID's cases against the NRDs have been dismissed. Two cases against the North Platte NRD were dismissed on February 14 and February 17 of 2011 by the Scotts Bluff County District Court. The case against the South Platte NRD was dismissed in April of 2010 by the Cheyenne County District Court. The case against the Central Platte NRD was dismissed in on January 18, 2011 in Hall County District Court. Only the administrative action before DNR remains unresolved.

“The NRDs have maintained their position to protect the livelihood and economic viability of all irrigators, agriculture producers, and residents of the state while maintaining compliance with state law. That is our responsibility. The NRDs will remain diligent in protecting ground water quantity in western Nebraska for all users, not just one.” Edson said. Edson also pointed out that the local and Basin-Wide Management Plans were adopted according to statute and are now being implemented through joint surface and ground water management.

“It's clear from these rulings that the NRDs have been fulfilling their obligation to protecting Nebraska's water,” Edson said. “Hopefully the NRDs, the State of Nebraska, CNPPID and other stakeholders can begin to put in the limited financial resources toward constructive solutions to Nebraska's water issues rather than wasting those dollars in the court system.” Edson said.

Nebraska's Natural Resources Districts (NRD) protect lives, property and the future of the Platte Basin through a wide range of stewardship, management and education programs—from flood control to groundwater monitoring, from irrigation management to outdoor recreation and more. Activities and projects of NRD's are reviewed and approved by a locally elected board of directors. There are 23 natural resources districts across the state. For more information, visit www.nrdnet.org.

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