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## McConaughy's owner says water restrictions aren't enough

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Nebraska is on the edge of a historic natural resources disaster: Lake McConaughy drying up, the reservoir's owner said in a lawsuit filed Wednesday.

"Unrestricted depletions of streamflow by wells . . . during times of drought have caused, and are continuing to cause, the destruction of Lake McConaughy," Central attorney Michael Klein wrote in the petition.

North Platte NRD officials were studying the lawsuit and did not have an immediate comment, said Ron Cacek, general manager.

The lawsuit is the first in the state against a natural resources district over management of underground water since a new statewide water law went into effect in 2004. That law, enacted as Legislative Bill 962, was designed to anticipate and prevent conflicts between surface-water and groundwater irrigators by integrating management of water.

"It's a big wake-up call to the Legislature and all Nebraskans that this (LB 962) didn't work and needs to be fixed," said Tim Anderson, a Central spokesman. "There needs to be more state oversight."

Lake McConaughy is north of Ogallala in western Nebraska. It's the state's largest reservoir and a popular recreation area that provides myriad energy and environmental benefits.

The lake's levels have been low for nearly a decade, as North Platte River flows into the reservoir dwindled because of drought and reductions in excess water running off of irrigated fields. The lake is currently at 42.6 percent of its capacity.

Central is Nebraska's largest irrigation district. It provides irrigation water to farmers in south-central Nebraska via canals from McConaughy. The North Platte NRD is responsible for regulating pumping of underground water in the region upstream from McConaughy.

The petition was filed in Scotts Bluff County District Court in Gering.

Central's complaint asks the court to reverse or modify a North Platte NRD board decision last month to limit irrigators in the Pumpkin Creek watershed to pumping 12 inches of

underground water per acre annually beginning this year. The board said it wanted to protect the region's irrigated-agriculture economy. The previous limit was 14 inches.

Central is limiting its farmers to 8.4 inches of McConaughy water in 2009. It's the fifth consecutive year of reduced deliveries.

Central has complained that the North Platte NRD hasn't done enough within its power to restrict groundwater pumping that depletes the North Platte from the Nebraska-Wyoming border to nearly the upper reaches of Lake McConaughy. When irrigation wells pump underground water, they can suck down the surface water in nearby wetlands and lakes, rivers and streams.

"Going from 14 inches to 12 inches would be laughable if it weren't so pathetic," Anderson said. "It does nothing to restore stream flow (in Pumpkin Creek), and it's not sustainable. Let's do what's sustainable."

Central has pushed the NRD to help boost North Platte River flows by drastically reducing the amount of water Pumpkin Creek irrigators are allowed to pump and put on their cropland. Central asked the North Platte NRD board in December to limit irrigators to about 3 inches. The board disregarded the recommendation.

In the petition, Central said groundwater pumping in the Pumpkin Creek watershed is causing a substantial reduction of water in the stream, which otherwise would be available for storage in Lake McConaughy.

Pumpkin Creek contributed about 23,000 acre-feet of water a year to the North Platte River before groundwater pumping boomed in the little valley hidden behind the Wildcat Hills upstream from Bridgeport. The creek now provides about 1,000 acre-feet of water. An acre-foot is the amount of water required to cover an acre of land 12 inches deep.

Central's lawsuit isn't the first to focus on depleted Pumpkin Creek. The Spear T Ranch sued upstream irrigators in 2002 for allegedly drying up the stream. That case is pending in Morrill County District Court at Bridgeport.

Central acknowledged in the petition that reducing Pumpkin Creek pumping won't by itself prevent the ruination of the reservoir but said it would represent an effort at complying with the law.

State law requires natural resources districts to be fair to irrigators who divert water from streams — such as Central — when establishing regulations for withdrawing underground water.

"Responsibility lies with the North Platte NRD," the lawsuit says.

## Timeline

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- **September 1999:** Lake McConaughy is full.
- **2000:** Drought settles into western Nebraska and the West.
- **2001:** North Platte Natural Resources District bans new irrigation wells in Pumpkin Creek watershed in reaction to falling underground water levels.
- **2003:** North Platte NRD lowers Pumpkin Creek pumping limit from 15 inches per acre to 14 inches.
- **Fall 2004:** Lake McConaughy falls to all-time low of 20 percent of capacity.
- **Fall 2006:** Central Nebraska Public Power and Irrigation District, which owns Lake McConaughy, begins talks with North Platte NRD to find a mutually agreeable system of managing groundwater, especially in times of drought.
- **Spring 2008:** Central asks North Platte NRD to limit its irrigators to 6.7 inches of water per acre in 2009, matching the limit set by Central on its irrigators for five years. North Platte NRD breaks off talks with Central.
- **Oct. 16, 2008:** Central asks North Platte NRD to reduce allowed Pumpkin Creek groundwater pumping to 2.5 inches.
- **Dec. 11, 2008:** North Platte NRD approves 12-inch pumping limit on Pumpkin Creek irrigators and 18-inch limit for certain other areas of the district.
- **Jan. 7, 2009:** Central files lawsuit.
- Central Nebraska Public Power and Irrigation District in Holdrege sued the North Platte Natural Resources District in Scottsbluff for allegedly not doing enough to protect historic flows into the big North Platte River reservoir.