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News Release

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Special Master Issues Final Report in Republican River Dispute

LINCOLN – Attorney General Jon Bruning released the following statement in response to the final report issued today from Special Master William J. Kayatta in the dispute between Nebraska and Kansas regarding water usage in the Republican River Basin.

“We’re pleased Special Master Kayatta rejected Kansas’ demand for \$80 million in damages and future restrictions on water use,” said Bruning. “Our basin irrigators have worked hard to keep Nebraska in compliance with the Compact on an annual basis since 2007. And, although we think the \$5.5 million award is too high, were glad the Special Master acknowledged Nebraska should have the right to govern its water users without the oversight of an independent River Master.”

The Special Master found Nebraska correctly identified a problem with the RRCA Accounting Procedures and recommended the problem be addressed by adopting Nebraska’s proposed *5-Run Solution*. This change will improve Nebraska’s Compact accounting balance in all years from 2007 forward.

In addition, Special Master Kayatta made the following recommendations:

- Kansas’s demand of \$80,187,021 should be rejected. Kansas failed to prove it was entitled to an award based on unjust enrichment because it could show no bad faith by Nebraska.
- Kansas’ claim of actual damage in the amount of \$6,577,165 should also be rejected. The Special Master recommends Nebraska should pay \$5.5 million.
- 100% of the evaporation from Harlan County Lake during 2006 (as calculated under the RRCA Accounting Procedures) should be charged to Kansas.
- Kansas’ demand that Nebraska permanently shut down 302,000 irrigated acres should be rejected.
- Kansas’ demand for appointment of an independent River Master to dictate compliance terms should be rejected. Kansas failed to demonstrate a credible threat of future non-compliance. Kansas should not be entitled to any additional restrictions on Nebraska water users.

- Kansas' request that Nebraska be found in contempt should be denied.
- All remaining requests by Kansas, including injunctive relief and sanctions, should be denied.

The final report will be reviewed by the United States Supreme Court. The Court's final ruling is not anticipated until 2014.

A copy of the report can be found [here](#).

A copy of the report appendices can be found [here](#).