

Testimony  
GWMA & IMP  
October 6, 2004

My name is Daniel L. Smith; I am the Manager of the Middle Republican Natural Resources District. The proposed rules that are presented for your consideration represent a consensus of opinion between the Middle Republican NRD and the Department of Natural Resources. This process was started in 1996 when we asked the Department of Water Resources to make a determination as to whether the use of hydrologically connected ground water and surface water was causing conflicts with the Republican River Compact. In September of 1996, the Director of DWR, Mike Jess made a preliminary determination that there were conflicts and based on that determination studies were initiated in 1997. Before a final determination could be made, Kansas filed its' lawsuit against Nebraska. At the request of the state, the joint action plan process was put on hold until the lawsuit could be resolved. Prior to the filing of the lawsuit and based upon our Ground Water Management Plan the NRD held a hearing and adopted rules and regulations for a Ground Water Management Area in July of 1998. This area required the metering of wells, reports from users, a permit process for new wells and increased spacing between wells. These rules were revised in 1999, 2000 and 2003 when we added the requirement to certify irrigated acres.

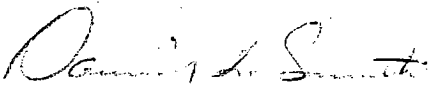
In May of 2002, by filing another request with the State, we restarted joint action plan process, adopted our temporary suspension in June of 2002 and began discussing the control structure for the joint action plan. In December of 2002 the state announced that a negotiated settlement had been reached with Kansas. The Department of Natural Resources made its final determination with regard to conflicts in June of 2003 and in August of that year we adopted an order to proceed, in concert with the Department of Natural Resources, to develop a joint action plan. Over the following year we reviewed the information provided by the state, looked at the use scenarios developed by the model and tried to gather enough information from the Department and other sources to develop the structure of our rules and regulations. Informational meetings were held in June of 2004 to gather input from residents of the district. These proposed rules and regulations are the completion of that process. Following the passage of LB 962 in April of 2004 and its effective date of July 16, 2004 this process has changed only slightly in that it is now referred to as an Integrated Management Plan.

While the old LB 108 process and the new LB 962 process provides the district with many controls to choose from and would normally allow for a more orderly process toward ground water management, the settlement of the lawsuit established an urgency to implement management before Nebraska was out of compliance with the settlement. The TriBasin NRD adopted its Joint Action Plan before July 16<sup>th</sup>, the Upper Republican continues to explore the changes needed to their existing Management Area, the Lower Republican is certifying acres, continuing with the metering program and developing their Integrated Management Plan and the Middle Republican is proposing these revisions to our current Management Area with the inclusion of the Integrated Management Plan.

This proposed revision replaces the stays imposed by LB 962 with a moratorium on new uses, further identifies the certification of uses, establishes an allocation for irrigation of 39 inches for the next three years and establishes a procedure to impose additional restrictions in the event of a water short year in 2006 or later. Transfers were added to the list of tools available to the district by LB 962, and guidelines for transfers are included in this revision. The Integrated Management Plan in chapter six identifies the goals of the plan and the objectives needed to meet those goals. The primary purpose of these rules is to ensure that Nebraska maintains compliance with the Republican River Compact. The secondary purpose is to address those ground water quantity concerns identified in our Ground Water Management Plan. The controls proposed achieve both of these needs.

I think it is safe to say that not one of us wants to be in the position we find ourselves at this time. I don't think anyone would say that management is not needed, but we always hoped it could be structured to phase in the restrictions and to prevent the concerns that exist about the impacts to the economy. Incentive programs such as CREP and EQIP can help significantly. By providing landowners willing to set aside irrigated acres with per acre payments in long and short term programs, irrigation water can be saved and consumptive use can be decreased. Funding from the state is necessary to make these programs work. I don't think any of us are naïve enough to think that the controls adopted by the district can reverse 4 or 5 years of drought. While we can move in the right direction, only Mother Nature can fix the situation we are in now. With a little help from timely rains, the Integrated Management Plan of this district and the Plans of other districts in the basin can keep us from getting as far behind as we are now. We cannot assume that this plan will be the only action we need to take. We must continue to look for ways to save water and still grow economically viable crops. We need to explore ways to supplement the water supply, determine the most efficient way to use the water and work to mitigate situations such as the trees and other vegetation that use the water before we can put it to beneficial use. We need to continue improving the data reporting so that uses in the district and the basin are actual instead of estimated.

I am proud of the actions of this board and their commitment to finding the best solution to this situation. I know we can continue to press the issues with DNR and develop a management concept that allows for the most efficient and beneficial use of the water supplies of the basin.



Daniel L. Smith