

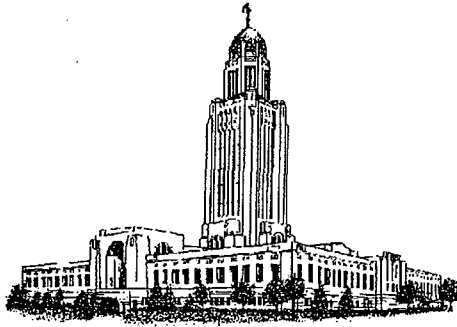
# Nebraska State Legislature

- Gov. to review  
- Larry, PRO + NR - FY?  
E 05-LB 962 108641

SENATOR CHRIS LANGEMEIER

District 23  
408 Elk Street  
Schuyler, NE 68661  
(402) 352-3254

Legislative Address:  
State Capitol  
PO Box 94604  
Lincoln, Nebraska 68509-4604  
(402) 471-2719  
clangemeier@unicam.state.ne.us



## COMMITTEES

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August 20, 2005

GOVERNORS OFFICE

AUG 22 2005

RECEIVED

Governor Dave Heineman  
Governor's Office  
Second Floor N.E.  
Lincoln, NE 68509

Dear Governor Heineman:

We would like to thank you for taking part in the discussion concerning the planning and implementation of LB 962, specifically as it relates to the requirement for NDNR to evaluate and declare the level of appropriation in your basin. Each opportunity we get to talk about the steps needed to comply with LB 962 gives us a better understanding of the complexity.

With a desire to help educate the public we have been looking for an agreement and clarification by the NDNR and the NRDs on when offsets will be required on new wells. It is our understanding that wells permitted and registered before a "declaration of fully appropriated" could be considered to be part of the baseline in the analysis leading up to the designation of fully appropriated, and the well owner will not be required to provide a specific offset for that well. Now how do we make sure that the new wells are accounted for?

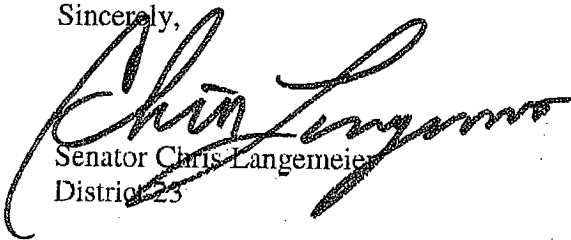
1. NDNR will consider the acres registered associated with newly registered wells as part of the baseline and the NRD can adopt a timeline for the installation of the irrigation equipment as well as certify the acres at that time.
2. When will NDNR run their analyses? We want to make sure that the wells are on record in time. The NDNR will consider all wells drilled and registered by October 1, 2005 as part of the baseline for the determination of which basins are fully appropriated.

3. What happens to the wells that are registered from October 1<sup>st</sup> to December 31, 2005? The law gives any land owner the right to put a well in until the declaration and the immediate stays go into place. However, with the 9 month provision in the statute, it may be assumed that the NRD has ability to not certify the acres related to these new wells if it would put them into a need for offsets.
4. The time frame and method for certifying the actual irrigation equipment would be up to the NRD. Old acres could possibly be verified using tax records. Brand new systems may require a physical inspection. This time frame may extend beyond the December 31 deadline because the acres of irrigation were already accounted for by the department based on registration data. Each NRD will set a date as to when completion must be done.
5. Getting all the data to NDNR is going to be crucial. It is imperative that all wells, both new and existing, be legally registered with the NDNR. To be legally registered the registration must be in the correct name of the current landowner and the correct well location. The NRD also needs to be notified of any non-typical types of irrigation that would not be picked up by the well registry data base. Example: if you have subsurface irrigation that you plan to certify as irrigated acres, yet it does not have a well.

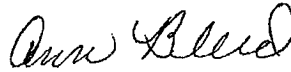
If you are planning a press release to declare the desire of your individual board, we recommend that you send a copy to Ann Bleed at the NDNR for her review and make sure it fits with the department's interpretation of LB962.

Again we would like to thank you for taking part in the discussion and hope it was informative.

Sincerely,



Senator Chris Langemeier  
District 23



Ann Bleed  
Acting Director  
Nebraska Department of Natural Resources