

FOR: ANN BLEED (HAMPTON INN)
FROM: JIM COOK

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LB 962

Senator Flood Works with the Department of Natural Resources to Clarify LB 962 Regulations

Lincoln, NE—Madison County State Senator Mike Flood is one of several legislators working with the Department of Natural Resources and Nebraska Natural Resources Districts to clarify LB 962 rules and regulations.

According to a statement released by the Department of Natural Resources, wells that are drilled and registered by October 1, 2005 would be considered as part of the baseline in the analysis leading up to a "fully appropriated" designation. These wells would then be exempt from requirements that an irrigator obtain an offset for new wells drilled nine months prior to a basin being designated "fully appropriated."

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Irrigators that drill and register a new irrigation well after October 1st, but before a basin is deemed "fully appropriated," are then subject to the rules adopted by the appropriate Natural Resource District. It is possible that a NRD may require the irrigator to obtain an offset in the event the District's Integrated Water Management Plan so requires. In these cases, a District may opt not to certify the new acres to be served by the new well.

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Senator Flood said, "I have serious concerns about the need for such aggressive rulemaking by the Nebraska Department of Natural Resources, but at the end of the day, irrigators need to make important financial decisions and these black and white dates help reduce risk taking in the event the Lower Elkhorn River Basin is deemed fully appropriated."

The implementation of LB 962 defers to Natural Resource Districts the difficult task of implementing rules and regulations that better define when new wells will be allowed after October 1, 2005. The Department's statement does give NRD's the latitude of determining when an irrigator would have to complete construction of a pivot system. This time frame may extend beyond the December 31 deadline as originally contemplated by the Water Resources Task Force.

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Stan Staab, General Manager of the Lower Elkhorn Natural Resource District said, "NRD's across the state appreciate the efforts being made to better define actual deadlines that will have an effect on an irrigator's bottom line. It is too early to suggest what position the Lower Elkhorn NRD Board will take in advance of any state designation."

Sen. Flood said, "It is difficult to make rules and explain the impact of a state law that has not gone into effect and may not go into effect in the near future. I can understand the frustrations of those in agriculture that are trying to earn a living and anticipate what rules will govern their operation. I remain convinced that sound science, not a desire to place the entire state under water restrictions, should control what decisions are made by the Department of Natural Resources."

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