

Ann Diers

From: Ann Bleed [ableed@dnr.state.ne.us]
Sent: Sunday, April 10, 2005 7:45 AM
To: Susan France; Pam Bonebright; Tom Hayden; Ann Diers; Roger Patterson
Subject: Re: Baldwin

Your arguments make a lot of sense. I think we need to talk about this and then get with the NRD. We certainly don't want this stuff increasing. Ann

----- Original Message -----

From: "Susan France" <sfrance@dnr.state.ne.us>
To: "Pam Bonebright" <pbonebright@dnr.state.ne.us>; "Tom Hayden" <thayden@dnr.state.ne.us>; "Ann Diers" <adiers@dnr.state.ne.us>; "Ann Bleed" <ableed@dnr.state.ne.us>; "Roger Patterson" <rpatterson@dnr.state.ne.us>
Sent: Saturday, April 09, 2005 8:47 AM
Subject: Baldwin

> In the case of the gentleman around Scottsbluff who has placed six
> wells that pump less than 50 gpm in a corn field and intends to
> irrigate less
than
> 2 acres with each one. (Remember this was brought to us by Senator
Louden's
> office and we need to get back to him again.) Under current DNR
> rules, a water well can be registered as a domestic well if it
> irrigates less than two acres, and an irrigation well must irrigate
> more than two acres. This was based upon some language in statute
> that has now been removed.
However,
> if there is a stay on any new well because of a fully or
> overappropriated basin, and to put in the wells you must be an
> exception as defined under 46-714, I would think the NRD could make an
> argument that these wells do
not
> meet the exception to the stay stated in 46-714(3)(e) because the
> wells
are
> combined (not meaning that they are joined together physically but
> used
> together) to irrigate a single project (that field) such that the
collective
> pumping would exceed fifty gallons per minute. I don't see that
irrigating
> a field is any different than putting the combined water into a hog
facility
> from different wells. If Tom is right and this is going to
> proliferate in the fully and overappropriated areas (and already has
> to some extent) it seems like this might be the way to stop it.
> Especially in this instance
it
> may be a good one to make an example of since it is my understanding
> this land has a surface water right on it, so depending upon the NRDs
> rules,
they
> may be able to call them supplemental wells or grant a variance or
> even if they don't allow the wells, the person still has a water
> supply. What do you think?