

Other Material/Maps



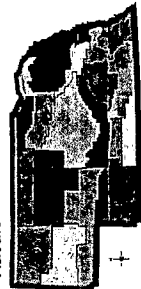
## **X. OTHER MATERIAL / MAPS**



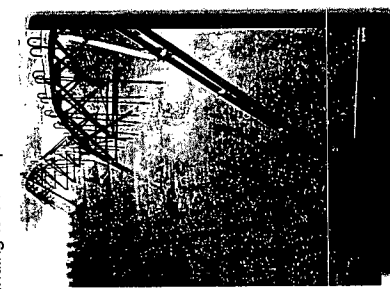
## Key components of the Task Force Recommendations are that the State:

- Maintain the basic framework of the existing laws.

The Task Force, in Nebraska's 23 Natural Resources Districts



- Formulating its recommendations, chose to work within the state's existing basic institutional and legal framework governing the use of surface and groundwater and its recommendations are intended to build and improve upon this framework.
- Modify existing law to be more proactive and require certain management actions be taken by NDNR and the NRDs when a basin is determined to be over appropriated or fully appropriated.
- Identify the Platte River Basin above Elm Creek, Nebraska as being over appropriated. The Task Force recommends that the NDNR and NRDs develop a basin-wide plan that will guide the plans of individual NRDs that will incrementally reduce the difference between the present level of development and the fully appropriated level of development in that basin.
- Provide adequate funding to develop a sound scientific basis for management decisions and fair implementation of the integrated management plans. The Task Force believes that adequate funding is essential if the proposed program is to be successful both in avoiding such conflicts and in addressing current inequities between surface water and groundwater users.



- Allow temporary and permanent transfers or leases of surface water and groundwater.
- Copies of the report and proposed legislation may be obtained on the NDNR website at <http://www.dnr.state.ne.us> or by contacting the Department of Natural Resources.

## Key Provisions of the PROACTIVE PLAN

- NDNR and the NRDs will be required to make an annual determination of which basins, sub-basins or river reaches are fully appropriated and, if a basin is declared over appropriated or fully appropriated there shall be an immediate suspension of all new uses until the NDNR or the NRD decide more can be allowed.
- In basins declared over appropriated or fully appropriated, NDNR and NRDs are required to jointly develop and implement an integrated surface water and groundwater management plan within 3 to 5 years of the determination.
- One goal of the Integrated Management Plan shall be to manage all hydrologically connected groundwater and surface water to sustain a balance between water uses and water supplies so that the economic viability, social and environmental health, safety and welfare of the basin, sub-basin or reach can be achieved and maintained for both the near and long term.
- The Integrated Management Plan may use a number of voluntary measures as well as the controls in current law, such as allocation of withdrawals, rotation of use, reduction of irrigated acres, and other measures.
- Any disputes between the NDNR and NRDs over the development or implementation of the joint action plan will go to a dispute resolution process. If the dispute is still unresolved, the disputed issues will be presented to a five member **Interrelated Water Review Board**, which will make the final decision on which components to put into the plan or how the plan shall be implemented. The Board will consist of five members including the Governor or his or her appointee, one additional member of the Governor's choosing and three additional members appointed by the Governor from a list of at least six persons nominated by the Nebraska Natural Resources Commission.

- Add safeguards to ensure changes in type of permits or changes in use will not adversely impact existing users. Some of those include:

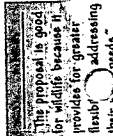


- Temporary transfers and changes are for a minimum of one year or a maximum of thirty years, with the possibility of renewal for another 30 years after the mid-point of the term of the transfer or change.

Temporary transfers will retain the same priority date as the original permit and shall revert to the original location and use at the end of the permit period.

- Only the historic consumptive use can be transferred or changed to a new use. Transfers for irrigation can be on an acre for basis. The number of acres irrigated as a result of the transfer can be increased if:

- The applicant can show there is not an increase in consumptive use as a result of the increase in acres involved in the transfer, or
- In basins that are not over appropriated or fully appropriated, the increase in the number of acres irrigated is not more than 5% of the existing permit or greater than 10 acres, whichever is less. Such increases must be on the same or an adjacent quarter section as the original permit. Such increases in acreage can only be done once for any given permit.

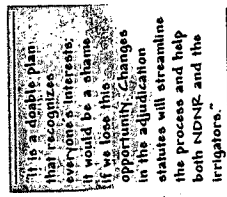


- Dave Sands Task Force member

- If the transfer or change involves land served by an irrigation district, the district must approve the transfer or change.
- Development of a banking system is not necessary at this time. The development of a banking process should occur if and when there appears to be a need for such a system in the future.

## Key Recommendations on SURFACE WATER ADJUDICATIONS

- Extend the period of allowable non-use before cancellation without excuses from 3 years to 5 years.
- If there are excusable reasons for nonuse, extend the allowable period of non-use without cancellation from 10 up to 15 years.
- Extend the period of allowable non-use before cancellation when water unavailability is the reason from 10 years to up to 30 years

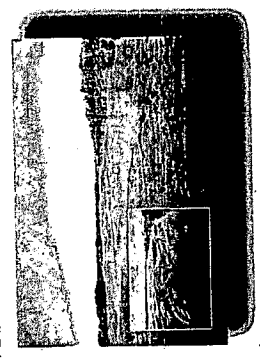


- Al Schmidt Task Force member

## Key Recommendations on SURFACE WATER TRANSFERS

- Transfers of water rights from one location to another will continue to be allowed.
- In specified instances authorize NDNR to issue temporary and permanent permits that either change the purpose for which water is used or change from one type of permit to another.
- No permanent transfers or changes are allowed if it involves a change to a different preference category.

- or, upon petition by the appropriator, even longer if the permit is in a basin that has been determined to be over appropriated or fully appropriated and water is expected to be restored for use in accordance with an integrated management plan.



- When an appropriation held in the name of an irrigation district or company is cancelled, the district shall have up to 5 years to assign the right to another use.
- After adjudication, allow a rate of diversion to be greater than one cubic foot per second for 70 acres if the higher rate is necessary, using good husbandry, to meet a full crop irrigation requirement. However, the total amount of the new diversion rate could not be greater than the total amount of the permitted rate before adjudication.

## Key Recommendations on GROUNDWATER TRANSFERS

- Allow a Natural Resources District to require as a Management Area Control: 1) District approval of transfers of groundwater off the land where it is withdrawn, and 2) District approval of transfers of rights to use groundwater that result from District allocations imposed under the Groundwater Management and Protection Act. Require the District to deny or condition the approval of transfers if needed to: 1) ensure consistency of the transfer with the purposes of the Management Area, 2) prevent adverse impacts on groundwater users, surface water appropriators, or the state's ability to comply with an interstate compact, decree, or agreement, and 3) otherwise protect public interest and prevent detriment to the public welfare.
- Empower Natural Resources Districts to grant groundwater transfers off the overlying land to augment supplies in wetlands or natural streams for the purpose of benefiting fish or wildlife or producing other environmental benefits. The determination of whether to grant a permit is to be based upon stated factors, including whether the use is a beneficial use, the availability of alternative supplies, negative effects of the proposed withdrawal, cumulative effects of the proposed withdrawal, and consistency with groundwater management plans and integrated management plans.





