

D/Dept/PowerPoint

Water Laws ppt.

Plotter Paper

Not Not
Comp (Print)

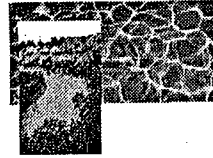
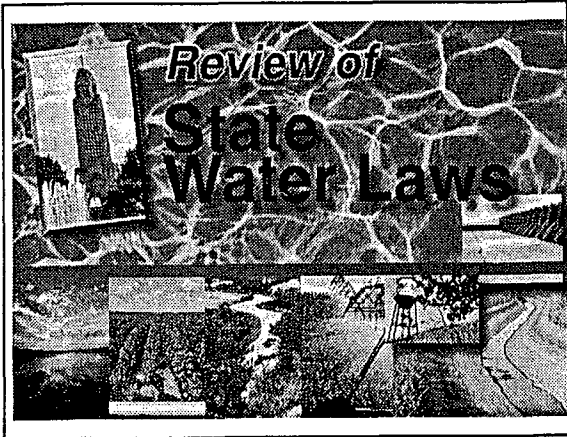
Gravel

47,934 KB

1-00

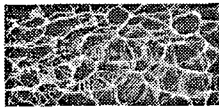
Sum 3
2505

Ep 1520
HP 4050 PS (Laser)



Surface Water

- Water Dedicated to the Public
- Appropriation System - 1895
- Priority
- Preference
- Property Right



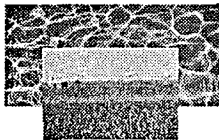
Appropriations (Permits)

- Type
 - Natural Flow
 - Storage
 - Storage Use
 - Natural Lake
 - Wells Within 50 Feet of Stream



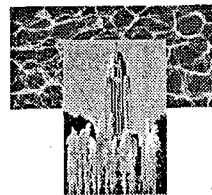
Appropriations - Approval or Denial

- Beneficial Use
- Unappropriated Water
- Public Interest
- Public Welfare



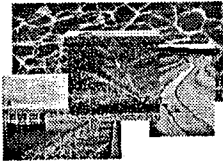
Beneficial Use

- Perfection of Water Right
- Adjudication



Water Administration

- Regulation
- Closing



Modifying Appropriations

- Relocations
- Transfers
- Incidental Underground Storage
- Changes in Returns and Delivery Systems



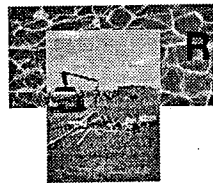
Miscellaneous

- Irrigation - Maximum Allowed from Natural Flow
 - Rate - 1 cfs per 70 acres
 - Volume - 3 acre-feet per Acre Annually
- Maximum Allowed from Storage
 - Beneficial Use
(Map Transfers Exception)



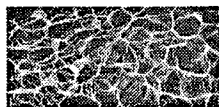
Ground Water

- Belongs to Public
- Landowners Have Right to Make Reasonable and Beneficial Use on Overlying Lands Subject to Correlative Rights of Others and Public Management Policies.
- Preferences



Registrations - 1957

- All Water Wells Drilled After September 9, 1993
- Responsibility is Land Owner



Permits

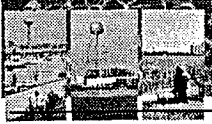
- Construction - NRD Management Areas
- Transfers
 - Across State Lines
 - Industrial
 - Geothermal
 - Public Water Supply
- Spacing



Ag and Domestic Transfers

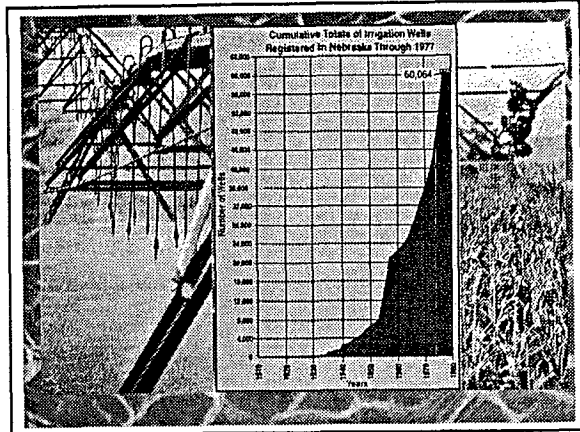
- Complaints to Local NRDs
- Refer to DWR

Action plan is like specification of rules

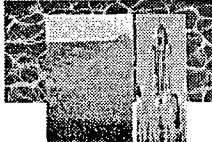


Well Spacing

- 600 Feet Between Irrigation Wells
- 1,000 Feet Between Irrigation and Industrial, Irrigation and Public Water Supply, Industrial and Industrial, Industrial and Public Water Supply, and Public Water Supply and Public Water Supply



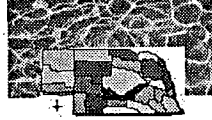
1957 - irrigation well location registration
600 FT spacing between wells
Dept of Roads & Int'g @ Split to Ned DWR



History of Groundwater Management and Protection Act


- 1975 LB 577 Allowed Control Areas
- 1982 LB 375 Allowed GW Mgt. Areas After Approval of GW Mgt. Plan
- 1986 LB 894 Special Protection Area Legislation
- 1991 LB 51 Required NRD's to Address GW Quality in Mgt. Plans
- 1996 LB 108 Allowed or can Require Management of SW-GW Relationships - Consolidated Mgt. Authorities

At first priority only then like solutions for decision - wp?



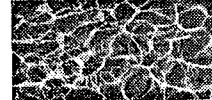
Act Gives NRD's and Others Powers Related to:

- Groundwater Quantity
- Groundwater Quality
- Integrated Management of Hydrologically Connected Groundwater and Surface Water
- Conflicts Between GW and SW Use
- Disputes Over Interstate Compacts and Decrees
- Carrying Out State Contracts or Agreements



Districts Required to Prepare Groundwater Management Plan that Includes:

- Information About GW Supply
- Discussion of Quantity and/or Quality Problems Experienced/Expected
- Management Objectives with a Proposed GW Reservoir Life Goal
- GW Quality Goals and Solutions
- Proposed Controls



NRD Water Management Area Designation the Easy Way


Designation the Easy Way

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    graph TD
      A[NRD Prepares Plan] --> B[DWR Approves Plan]
      B --> C[NRD Drafts Controls to Implement Plan]
      C --> D[NRD Holds Hearings on Designation and Controls]
      D --> E[NRD Designates Mgt. Area and Adopts Controls]
  
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Hearings on rules steps

keep at acceptable levels or bring back to acceptable levels




Options for Management Area Designation

1. NRD on its Own for:
 - A. Ground Water Quantity
 - B. Ground Water Quality
 - C. Integrated Management
2. NRD With DWR Participation and Assistance for:
 - A. Integrated Management (Joint Plan)
3. DEQ on its Own for:
 - A. Ground Water Quality (Old SPA Process)
4. DWR on its Own for:
 - A. Integrated Management (Limited to Disputes Over Interstate Compacts and Decrees or Other Formal State Contracts or Agreements)

Can have more Action Plan (Equivalent of Rules & Regs. & detail)

DWR may conduct Studies first


Can require District Action Plan (Equivalent of Rules & Regs. & detail)



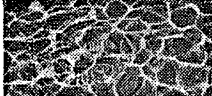
NRD Controls To Address Management Plan Objectives Include

- Allocations of Withdrawals
- Rotation
- Well Spacing
- Metering/Monitoring
- Use of Best Management Practices (Timing, Fall Bins of fertilizer)
- Chemicals/Fertilizer Analysis of Water or Deep Soil
- Mandatory Education
- Moratorium on New Wells
- Other Reasonable Rules and Regulations
- Reduction of Use

Amount of Fertilizer?

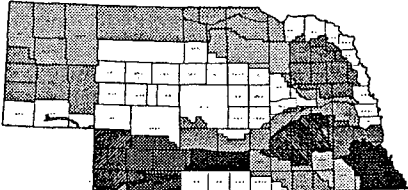


- Public Hearing Requirements
- Some New Wells in Management Area Must Have a Permit From the NRD Before Drilling



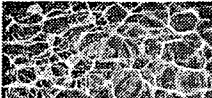
GW Management Areas

Ground Water Management Areas



1. Iowa of Public (1988-91)	2. Iowa of Public (1992-93)	3. Iowa of Public (1994-95)
4. Iowa of Public (1996-97)	5. Iowa of Public (1998-99)	6. Iowa of Public (2000-01)
7. Iowa of Public (2002-03)	8. Iowa of Public (2004-05)	9. Iowa of Public (2006-07)
10. Iowa of Public (2008-09)	11. Iowa of Public (2010-11)	12. Iowa of Public (2012-13)

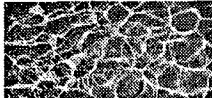
Map of Iowa showing Ground Water Management Areas. Legend includes: 1. Iowa of Public (1988-91), 2. Iowa of Public (1992-93), 3. Iowa of Public (1994-95), 4. Iowa of Public (1996-97), 5. Iowa of Public (1998-99), 6. Iowa of Public (2000-01), 7. Iowa of Public (2002-03), 8. Iowa of Public (2004-05), 9. Iowa of Public (2006-07), 10. Iowa of Public (2008-09), 11. Iowa of Public (2010-11), 12. Iowa of Public (2012-13).



Other Important Items

1. An NRD May Treat GW Users Differently on the Basis of Date of Drilling
 - Only Allowed for Integrated Mgt.
 - Effective Dates Limited
2. NRD May Treat GW Users Differently Based on Different Hydrologic Relationships

Not in Regulations - 10 Allowed as NO Allowance - How Long to affect SW?



Other Important Items (Continued)

3. Replacement Wells Must be Treated the Same as the Wells they Replace.
4. The SW Appropriations that can be Protected Through LB 108 do not include Instream Appropriations.
5. Interrelated Water Management Fund

Committee GOV & DNR members

Committee deals with DWR - District Disagreements

Fund - To Act to remove Cause of Conflicts - DWR Fund

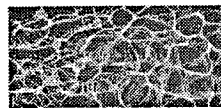


A Two Part Management Area Procedure for Integrated Management may Include an Action Plan for Both Surface Water and Groundwater

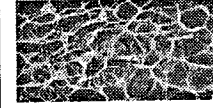
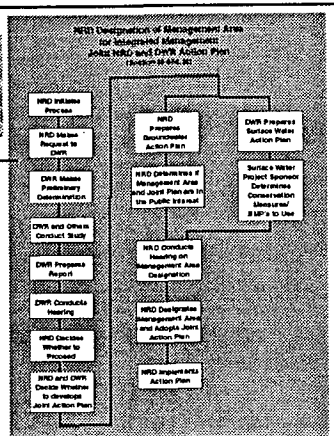


Surface Water Portion of Integrated Management Plan

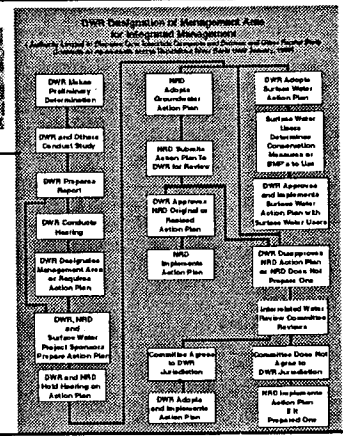
- Can Include:
- Increased SW Monitoring and Enforcement
 - A Moratorium on New Appropriations
 - SW Conservation Requirements
 - Other Reasonable Restrictions to SW Users



NRD Designation of Management Area

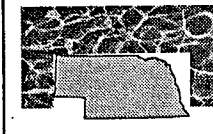


DWR Designation of Management Area



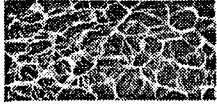
Other Powers of NRDs that may Relate

- NRDs may use Taxation/Spending Authorities to Finance Studies/Enforcement
- NRDs may Apply for Grants to Assist in Studies
- NRDs may Sponsor and Fund Surface Water Shortage or Groundwater Recharge Projects
- NRDs can Provide Financial Incentives for Water Conservation Measures and Other BMPs
- NRDs Regulate Groundwater Runoff



Other Nebraska Water Issues and Laws

- Drainage
- Water Project Development
- Nebraska Non-Game and Endangered Species Act
- Nebraska Environmental Protection Act
- Water Well Standards and Contractors Licensing Act
- Nebraska Safe Drinking Water Act
- Nebraska Pesticide Act-Statutes Related to State Agencies, NRD's and Irrigation Districts



**Federal Laws
and
Management**

- Bureau of Reclamation
- U.S. Army Corps of Engineers
- USDA - Natural Resources
Conservation Service
- Federal Endangered Species Act