

Ann Diers

From: Ann Bleed [ableed@dnr.state.ne.us]
Sent: Thursday, March 02, 2006 5:51 PM
To: Russ Callan; Ron Bishop; Larry Hutchinson; Kirk Nelson; Kent Miller; John Turnbull; John Thorburn; Jim Nelson; Gloria Erickson; Duane Woodward; Duane Hovorka; Don Kraus; Dean Edson; Chad Smith; Brian Barels; Ann Diers; Butch Koehlmoos
Subject: FW: NGPC proposal for discussion at the Instream Flow Subcommittee

Proposal from Game and Parks

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

From: Larry Hutchinson [mailto:larry.hutchinson@ngpc.ne.gov]
Sent: Thursday, March 02, 2006 4:29 PM
To: ableed@dnr.state.ne.us
Subject: NGPC proposal for discussion at the Instream Flow Subcommittee

Hi Ann,

Kirk Nelson requested I forward the attached proposal for discussion at Friday's committee meeting. I don't have a complete list so if you could forward the attachment to all concerned it would be appreciated.

Larry Hutchinson

3/2/2006

DNR 014042

Proposed Outline for NWPTF Instream Flow Subcommittee Consideration
Nebraska Game and Parks Commission
March 2, 2006

The Nebraska Game and Parks Commission (NGPC) is participating with the Nebraska Water Policy Task Force (NWPTF) Instream Flow Subcommittee (ISF Subcommittee) in an effort to help resolve concerns by Natural Resource Districts (NRDs) and others about instream appropriations affects on current and future determinations for "fully appropriated" basins.

In past subcommittee meetings on instream appropriations, discussions have focused on ways of administering intream appropriations or reshaping the instream appropriations to reduce affects on junior surface water appropriators. NGPC has been willing to consider some options. In return NGPC has requested natural resource districts in basins not yet determined to be fully appropriated to consider initiating water management planning with NGPC to address issues of mutual concern.

In January LB 1226 was introduced at the request of the Nebraska Association of Resource Districts and supported by the NRDs. As introduced in 2006, LB1226 contained amendments to instream appropriation statutes that would seriously reduce current and future instream flow protection efforts for fish, wildlife and recreation resources authorized under the statute. The introduction of LB1226 impaired efforts by the ISF Subcommittee to make progress at its last meeting. After the Unicameral's public hearing by the Natural Resource Committee, such language was stripped from LB1226.

NGPC now proposes the following general conceptual package for ISF Subcommittee consideration.

1. NRDs in the Elkhorn and Loup River basins and Lower Platte basin would initiate basin preplanning of groundwater and surface water management for future determinations of fully appropriated status by Department of Natural Resources.
2. NGPC will initiate consideration of reshaping lower Platte instream appropriations to reduce irrigation season impacts to junior irrigators. The reshaping concept will be to shift a portion of the instream appropriations during the summer irrigation season to increase spring period instream appropriations. This concept will depend on it being:
 - A. legally achievable without contest under Sections 46-2,107 through 46-2,115 of Nebraska statutes, and
 - B. Ecologically justified by best available science with experts selected by NGPC.

OR consider the following idea:

3. Diversion appropriators reduce their appropriations and LPPD bypass sufficient flows to reduce low flow periods during hydrocycling and increase daily average flows during summer irrigation season. The objective of this option would be to reduce regulation of junior appropriators when instream appropriations are not being met during irrigation season.