

Ann Diers

From: Ann Bleed [ableed@dnr.state.ne.us]
Sent: Friday, July 29, 2005 12:10 PM
To: Ron Bishop
Cc: Tina Kurtz; Roger Patterson; Ann Diers; Brian Barels; Dennis Strauch; Don Kraus; Dave Sands; Frank Albrecht; James Nelson; Larry Hutchinson; Steven Huggenberger; Steve Gaul; Susan France; Tom Schwarz
Subject: Water Policy Task Force Water Rights Subcommittee pertaining to wells pumping less than 50 gpm
Importance: Low

Ron - I am sending this to you because you have been the unofficial but active chair of the groundwater subcommittee for the task force. In the process of working with NRD stakeholder groups on potential IMPs for LB 962, there has been interest in possibly changing the law regarding two issues, the definition of BMPs and the ability of NRDs to regulate wells less than 50 gpm.

Regarding BMPs, the concern is that the definition in the statutes refers just to activities to reduce contamination. There has been interest within the stakeholder groups of being able to require BMPs to reduce the quantity of ground water being consumed as well.

46-706(13) Best management practices means schedules of activities, maintenance procedures and other management practices utilized to prevent or reduce present and future contamination of ground water which may include irrigation scheduling, proper rate and time of fertilizer application and other fertilizer and pesticide management programs.

Regarding wells less than 50 gpm, many have pointed out that a well pumping 50 gpm can, over time, pump a lot of water, potentially 80 acre feet per year. People are hearing of folks putting in such wells to irrigate small fields etc. The statute, 46-735, regarding such wells states:

"A district may by rule and regulation require that a permit be obtained for each water well or for one or more categories of water wells designed and constructed to pump fifty gallons per minute or less, other than a water source required for human needs as it relates to health, fire control, and sanitation or use to water range livestock, in ground water management areas in which regulations have been imposed to control declining ground water levels."

There is interest in allowing the same authority for areas that have an Integrated Management Plan. There is also interest in defining the quantity of water needed for health, fire control etc.

Would you be willing to poll the ground water folks, have a meeting or do whatever you think is appropriate to determine if there is any interest in pursuing either of these potential statute changes through the Task Force? Thanks Ann

~~Ann Bleed~~