

**By Russ Pankonin**

**The Imperial Republican**

Members of the Legislature's Natural Resources Committee will hold a new hearing early next week on a totally revised version of the water-related bill, LB 1074.

The guts of the previous version of the bill, which totalled 56 pages, have been stripped and replaced with a new six-page version.

With such a significant change in the bill's language, the committee saw the need to take testimony on the new bill before moving forward. The hearing will be held Tuesday, March 18, in Lincoln from 11:30 a.m. to 1:30 p.m. CDT.

Sen. Mark Christensen of Imperial was among a number of senators who met with the Department of Natural Resources to discuss the new bill.

Christensen said all present believed it was prudent to hold a new hearing on the bill, which remains in the Natural Resources Committee.

Christensen said Tuesday he believes it's important to get public input on the new language and hear the pros and cons of the bill. Many good ideas come from these hearings, he added.

#### **First version of LB 1074**

LB 1074 was introduced by Sen. Steve Lathrop of Omaha with the goal of changing how a river basin in the state is determined to be fully or over-appropriated.

In its original form, the bill had the potential to cause a significant shutdown of groundwater wells in the state, according to Upper Republican Natural Resources District Manager Jasper Fanning.

In testimony to the Natural Resources Committee on the original bill, Nate Jenkins, assistant URNRD manager, said, "The proposed legislation impliedly mandates that all groundwater use in Nebraska must be regulated to increase supplies to surface water permit holders, whether the cause of the shortfall was from conservation or groundwater use."

He told the committee that, historically, 70 percent of the streamflow in the Republican River was generated by runoff. The amount of runoff has been reduced significantly by conservation measures such as terracing and no-till farming, all efforts to keep water from running off crop land.

He told the committee it would not be fair to hold groundwater users accountable for these declines.

The original bill would have limited groundwater use in areas where significant groundwater decline has occurred over the years.

In the URNRD, areas in western Chase County, more specifically in the Lamar area, Jenkins said allocations of two to three inches would be required to ensure no more decline occurred.

#### **Planning goal of new version**

Christensen said the ultimate goal of the new version of LB 1074 would be to initiate a planning process towards adopting a basin-wide plan for managing water supplies in the basin.

It builds on the foundation of water management set forth in 2004 legislation, LB 962, which was based on recommendations of a state water policy task force.

The new planning process would set goals and objectives to be met over a 30-year period, with progress to be measured every five years through technical analysis.

As revised, "The analysis shall include an examination of (a) available supplies, current uses and changes in long-term water availability, (b) the effects of conservation practices and natural

causes, including but not limited to, drought and (c) the effects of the plan in meeting the goal of sustaining a balance between water uses and water supplies.

“The analysis shall determine if changes or modifications to the basin-wide plan are needed to meet the goals and objectives” of the plan.

The basin-wide plan would be developed using a consultation and collaboration process involving irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies and municipalities that rely on water from within the affected area.

However, the new version says DNR and the basin NRDs “shall have the authority to adopt a basin-wide plan.”

Christensen said he likes the looks of the new version, noting there are both positives and negatives, depending on whether a water user is a surface water user or groundwater user. He said it forces these users to work together in developing a plan.

Fanning said he does not like language in the new version that would turn over all water-management control to DNR after 30 years if the goals and objectives of the plan are not met.

He noted the language provides no specific or measurable benchmarks to determine if the goals and objectives have been met.

He said Tuesday morning he and his staff are still reviewing the new language and anticipated someone will offer testimony at next Tuesday’s hearing.

### **Compliance DNR’s goal**

Ever since DNR used surface water for compact compliance purposes last year, Christensen has been championing some type of compensation for those users who lost the use of their water.

DNR has indicated surface water will be used for compliance purposes again in 2014.

During Tuesday’s meeting with DNR, Christensen asked DNR Director Brian Dunnigan about continued use of surface water for compliance purposes.

Christensen said Dunnigan told him his primary goal is to ensure Nebraska remains in compliance with the compact settlement with Kansas.

As a result, if surface water is needed as an element of compliance, Christensen said Dunnigan intends to use it.

Christensen suggested to Dunnigan the state permanently buy out the surface water rights and dedicate that water to groundwater recharge, sustainability and compact compliance.

Dunnigan responded by saying that’s a state policy decision and not a decision his department could make.

Fanning said that’s a policy decision that could be addressed by the Legislature in the future.