



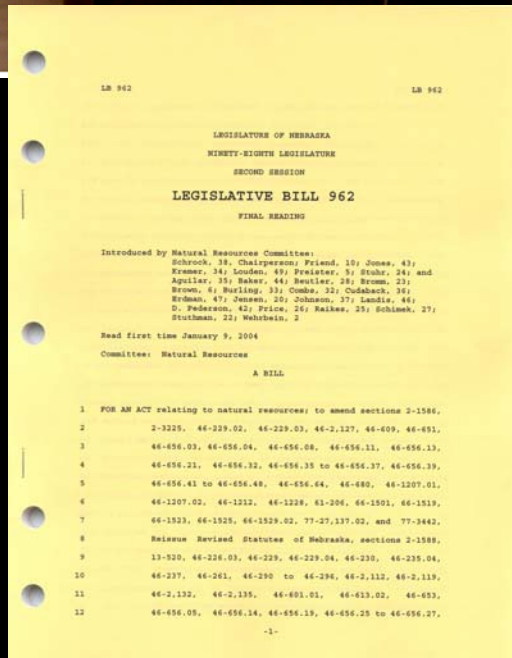
Western States Engineers 2005 Spring Workshop



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Nebraska Department of Natural Resources

May 2005



LB 962
was signed
by
Governor Johanns
April 15, 2004



Membership of Task Force

49 Members Appointed by the Governor

20 Irrigators

5 NRD Representatives

3 Ag Organization Representatives

4 Power Representatives

5 Municipal Representatives

2 Recreation Representatives

3 Environmental Representatives

3 At Large

Senator Schrock and Senator Stuhr

Department of Natural Resources

Attorney General's Office

The Recommendations of the Task Force were the Result of Consensus Based Decision Making Process

- Consensus means the benefits of the package were such that they outweighed those items that were not to a members liking**

Task Force Recommendations

Adopted in LB 962



- Maintain the prior appropriation system for surface water



- Maintain correlative rights system for groundwater

Task Force Recommendations

Adopted in LB 962

- NRDs are first choice for groundwater regulation
- DNR first choice for surface water regulation
- Need mechanism for early action-**proactive approach**
- Money is needed
 - Data and tools
 - Voluntary Incentive Programs

LB 962

Proactive Approach

- DNR is to make annual determination starting by January 1, 2006 of which basins are fully-appropriated
- Consider both surface water and hydrologically connected groundwater



LB 962

Proactive Approach

fully-appropriated



**If basin is fully-appropriated
there are immediate stays on:**

- New water well
construction**
- Increases in the number of
acres irrigated**
- New surface water permits**

Must Develop an Integrated Management Plan



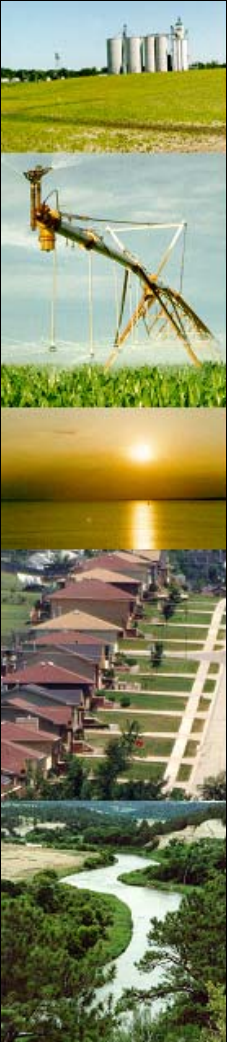
**Developed Jointly by
NRD and DNR**



**Consultation with
municipalities and others
required**

**Must be implemented
within 3-5 years**

A Required Goal of an IMP is to:



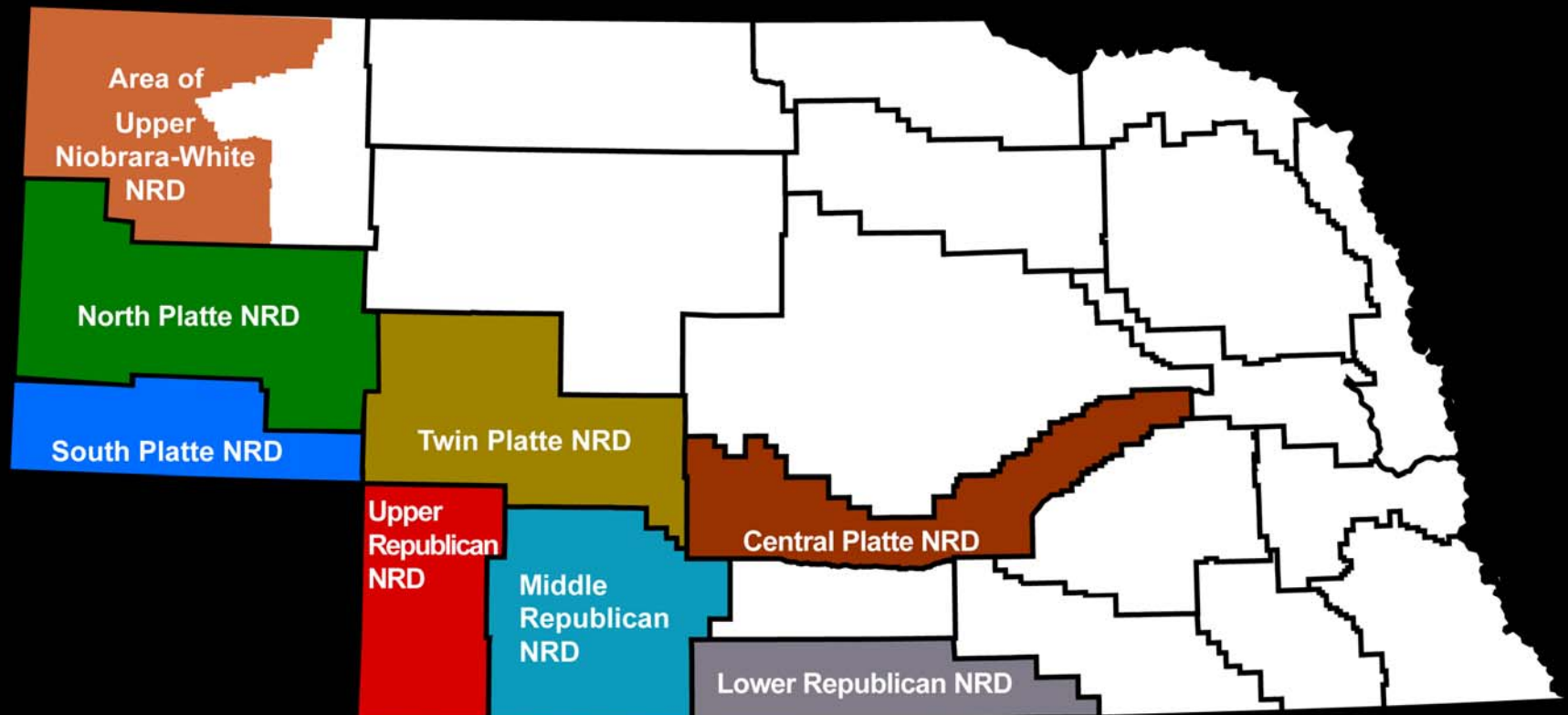
Maintain the balance between basin supplies and uses.....

to sustain the **economic viability and **environmental** and **social** health, safety and welfare of the basin.....**

for both the near and long term.

Transition Process

Fully Appropriated Basins



Certain Areas Considered Overappropriated



**Water use
exceeds
sustainable
supply**

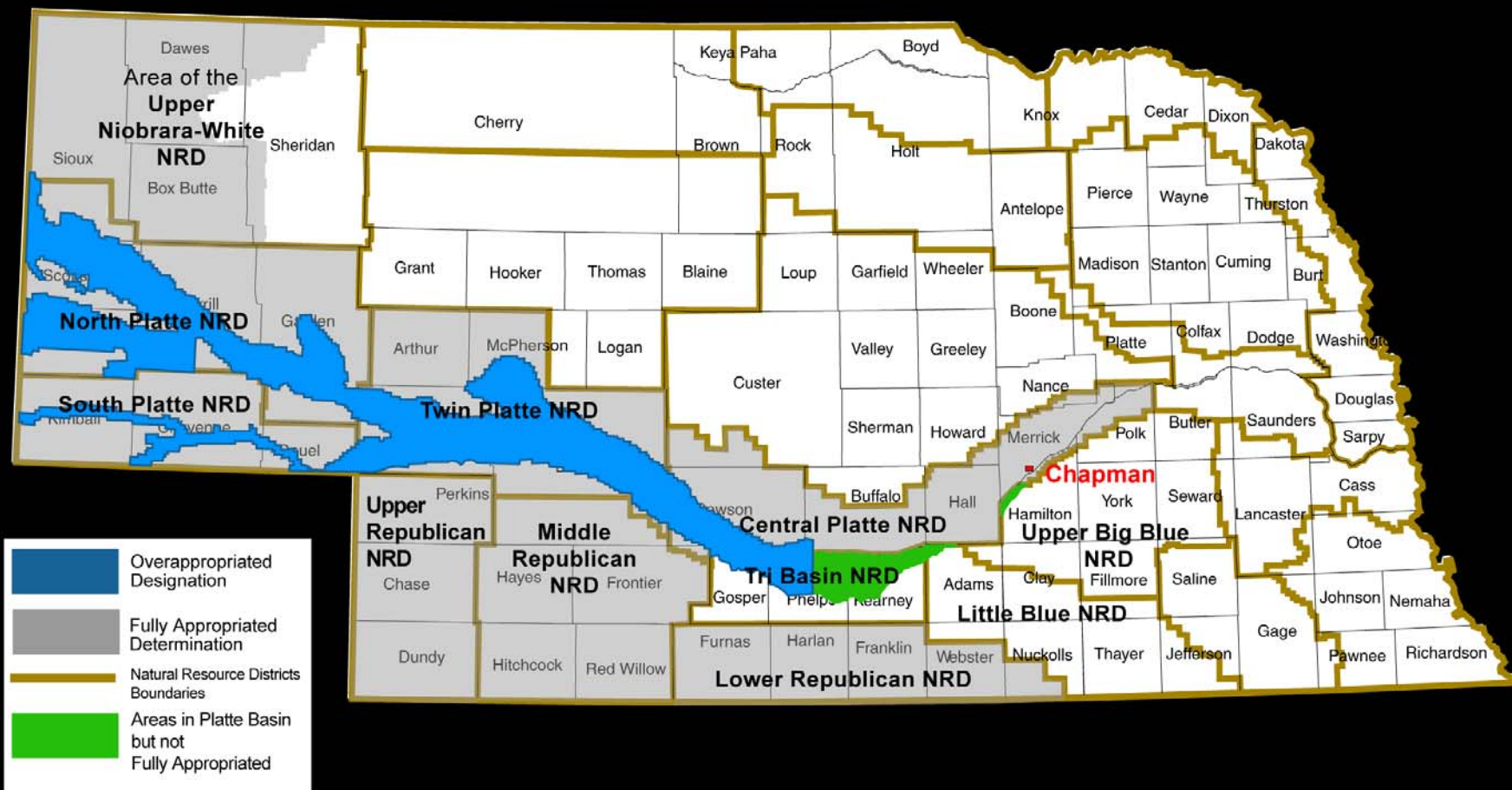
Over Appropriated Basins

(Platte River Above Elm Creek)

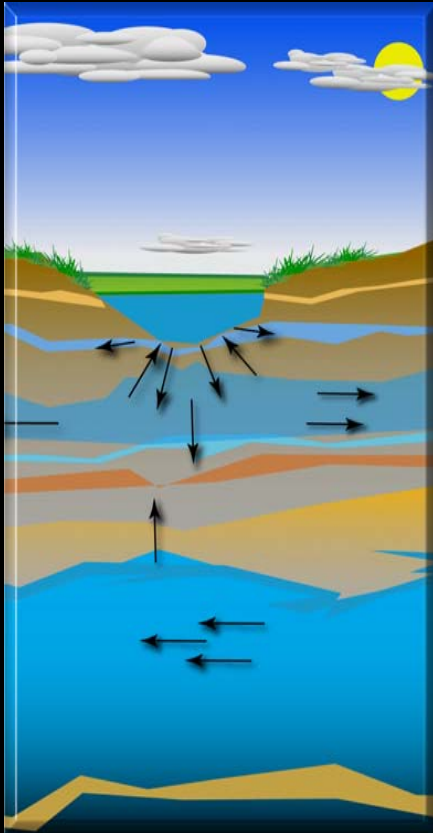
Designation by September 15, 2004



Over & Fully Appropriated Basins



Over Appropriated Basins



- Determine difference between current and fully appropriated level of development
- 1st increment goal - address impacts to surface water rights of stream flow depletions caused by water uses begun after July 1, 1997

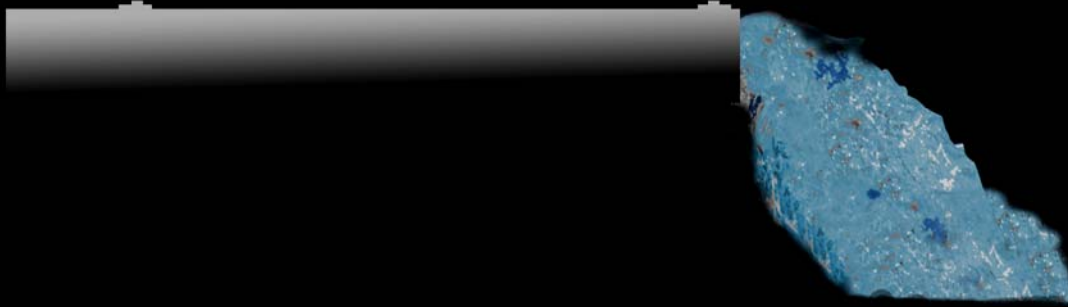
In Overappropriated Area



**No New Depletions
Plan**

**New uses must be
offset if adversely
impact flow for
surface water rights
or ESA target flows**

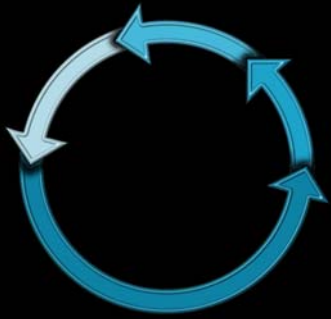
If Fully or Overappropriated



No increase in consumptive use

**Future development can occur only
if can transfer current use of water to
a new use**

Transfers must pass the no injury test



Many Types of Transfers Being Considered

Transfer of **location of use**

- move water itself to new location
- move right to use or allocation of water to new location

Transfer **type of use** – e.g. agricultural to municipal

Transfer **type of diversion** – e.g. surface water to ground water

Projects To Transfer Surface Water To Ground Water

Current project - surface water diverted by irrigation district under existing priority date for direct use during irrigation season

New project – surface water diverted for intentional ground water recharge using existing priority date

Projects To Transfer Surface Water To Ground Water

(continued)



**Could divert water for recharge
during nonirrigation season**

**Use wells to withdraw water when
needed for irrigation**

Projects To Transfer Surface Water To Ground Water

(continued)

Must meet no injury test

Other requirements

Future Integrated Management Plans

**Must achieve goal of sustainability
for both surface water and
hydrologically connected ground
water**

**If economic development is to be
sustained must allow transfers**

Must be creative

Must be flexible



Thank You