

# How July 16<sup>th</sup>, 2004 Changed Nebraska's Water Management

2024 NRD Water Programs Conference  
March 5, 2024

Jesse Bradley, Deputy Director





# Pre-LB 962 Conditions

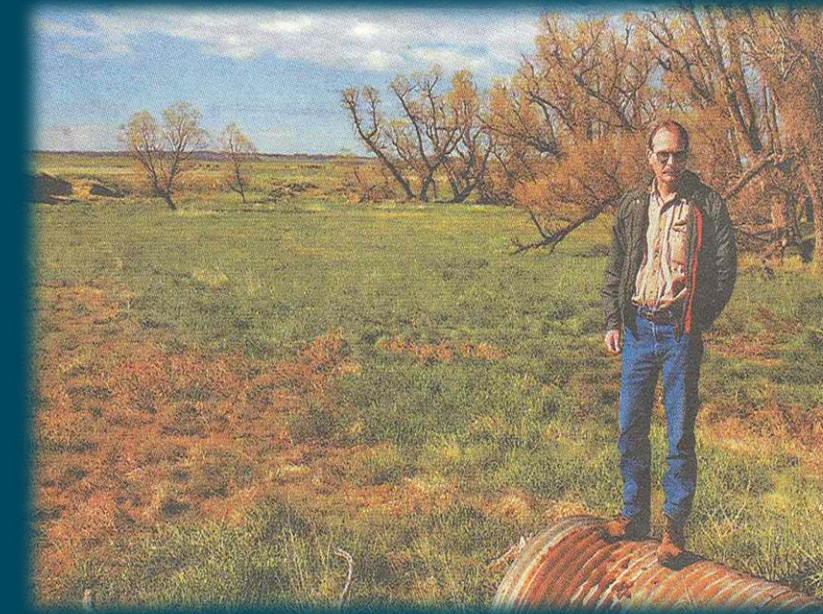
## Lawsuits



CNPPID vs. NeDNR



Spear T. vs. NeDNR



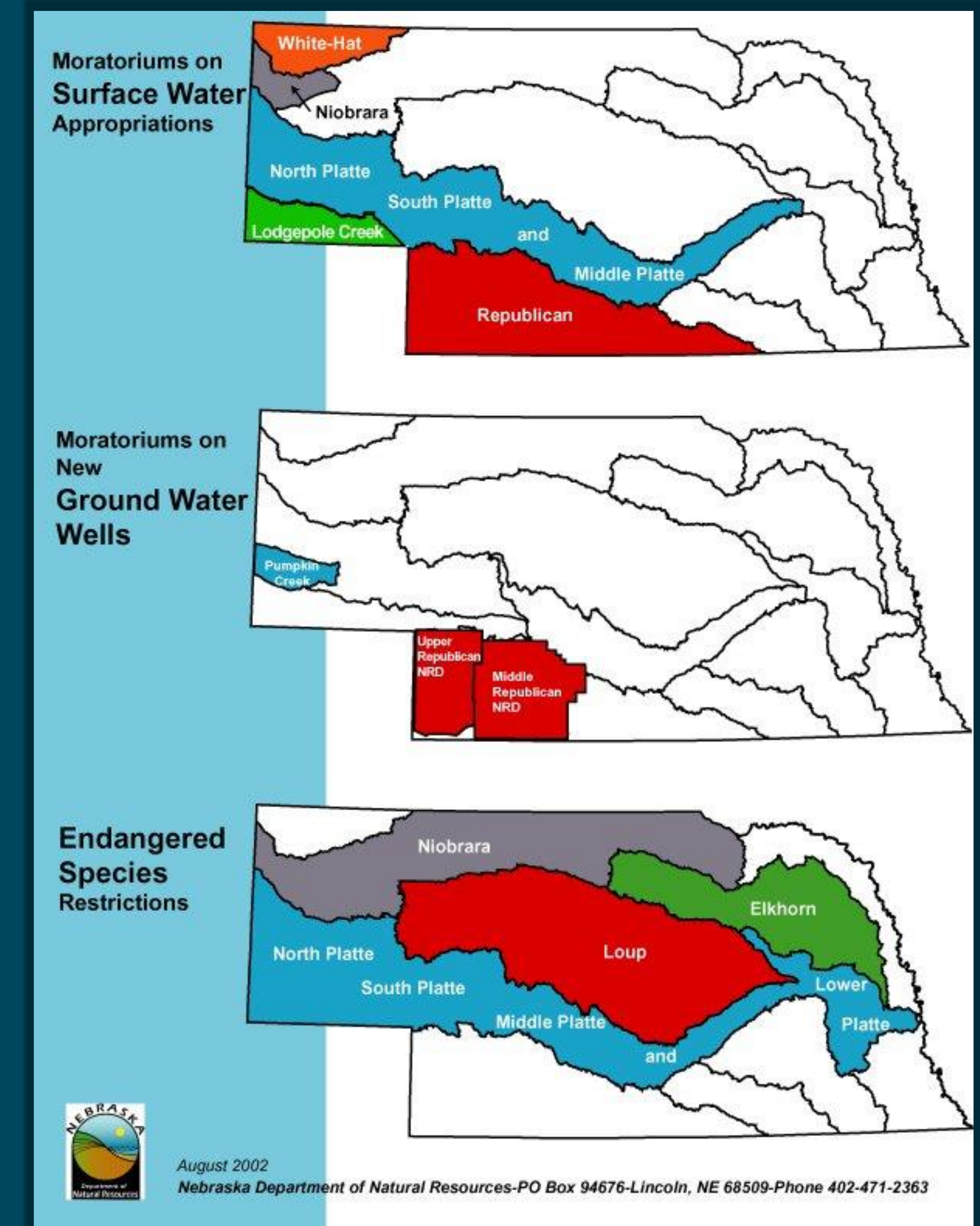
Spear T. vs. Knaub



Nebraska vs. Wyoming

Kansas vs. Nebraska

## Prolonged Drought



As of August 2002

### U.S. Drought Monitor Nebraska

August 27, 2002  
(Released Thursday, Aug. 29, 2002)  
Valid 8 a.m. EDT

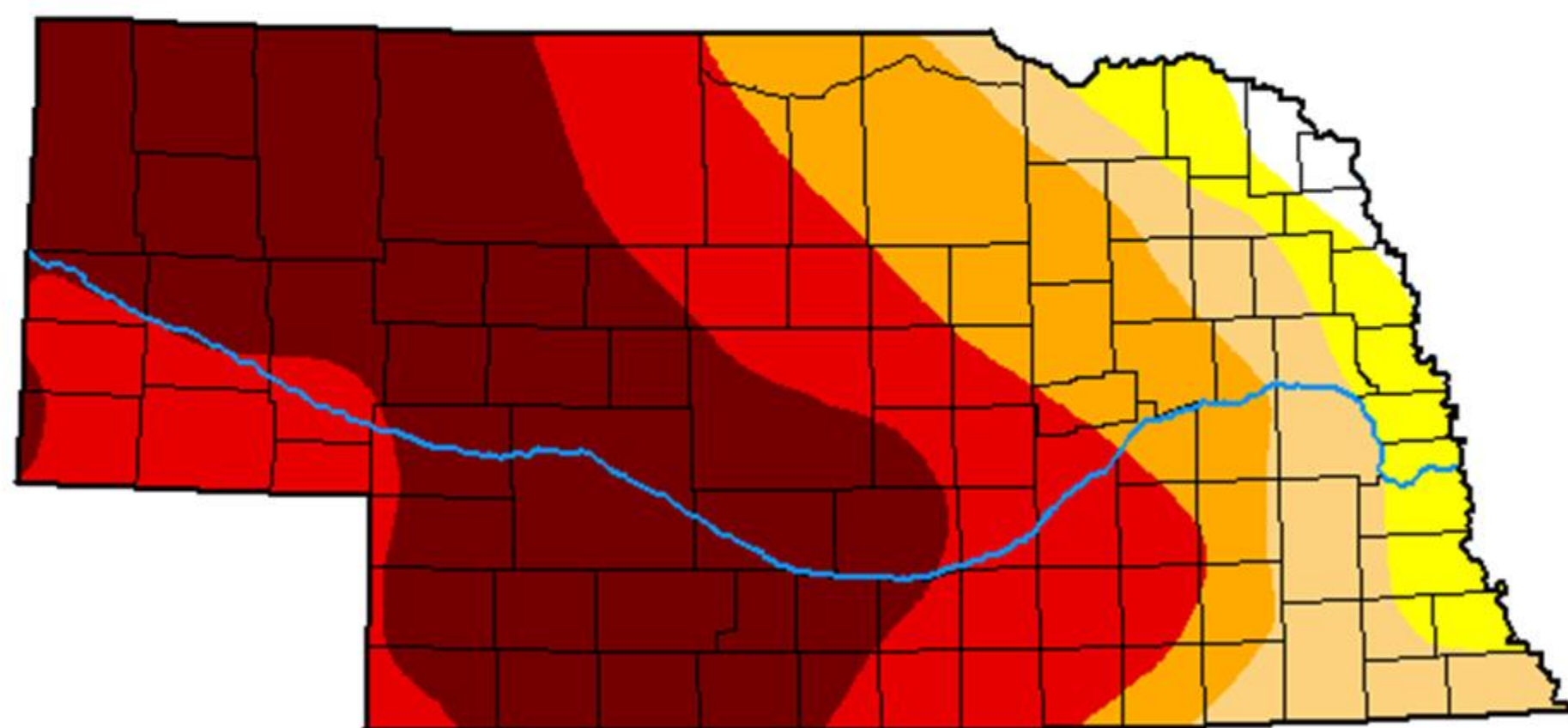
- Intensity:*
- None
  - D0 Abnormally Dry
  - D1 Moderate Drought
  - D2 Severe Drought
  - D3 Extreme Drought
  - D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

*Author:*  
Richard Heim  
NCEI/NOAA



[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)



## Reactionary, Limited Ability to Respond



# Pre-LB 962 Conditions

## The battle of Pumpkin Creek

Groundwater irrigators face off against surface water users in what's likely to become a historic water law case.

BY RACHAEL SERAVALLI  
Lincoln Journal Star

MORRILL COUNTY — Willow grasses on the Spear T Ranch feed 500 or so head of grazing red Angus. The Wildcat Hills — named for the bobcats that live there — are to the north, and miles of prairie and farmland spread out in every other direction.

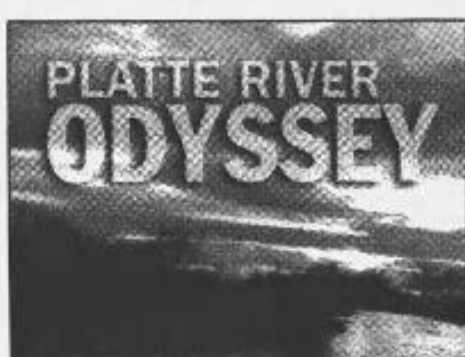
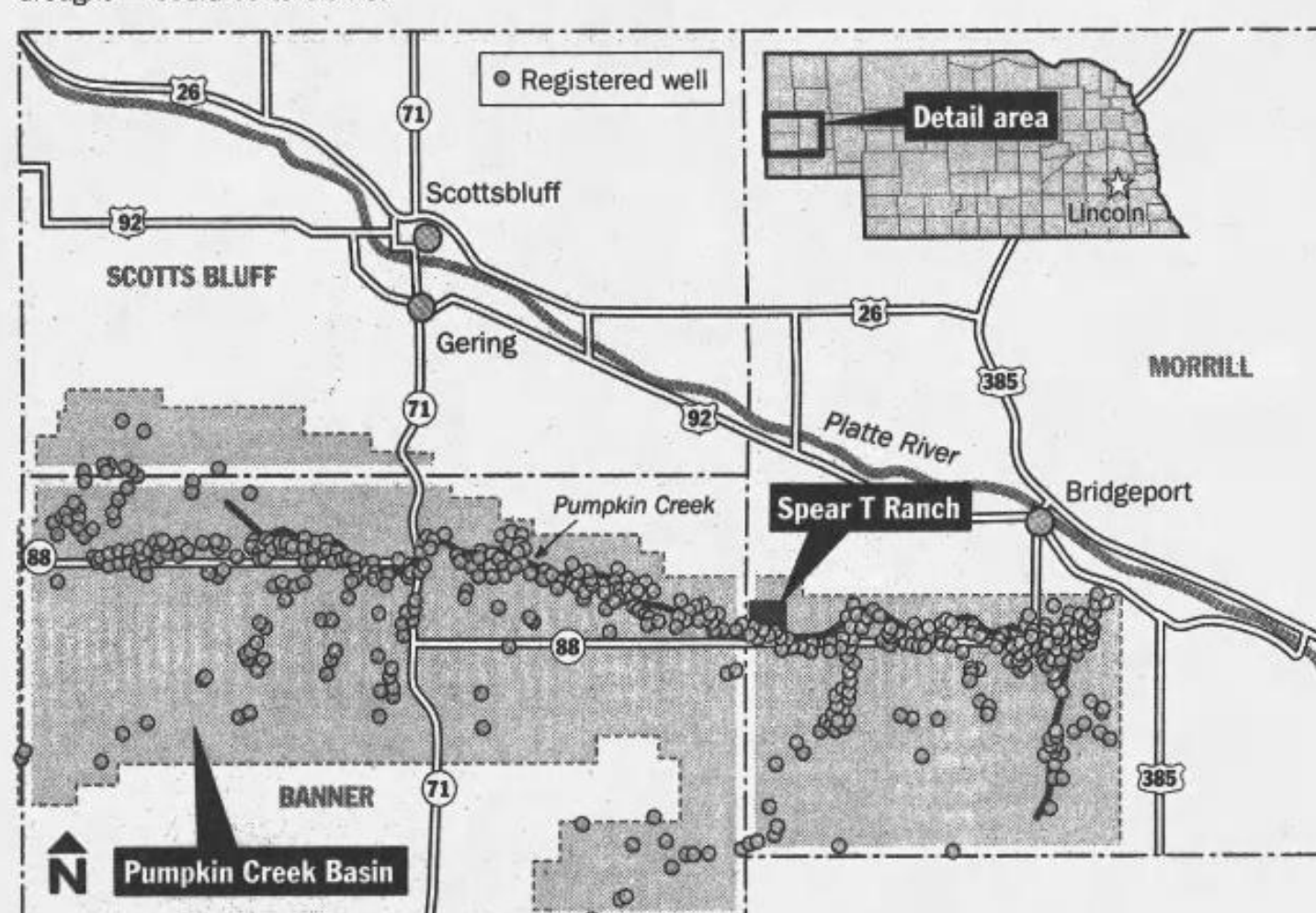
It is, by all appearances, a healthy ranch.

But Rex Nielsen, who runs the Spear T with brothers Eric and Kim, says it has seen better days.

He looks down into a depression on his land. At the bottom is a small pool of muddy water, lined with dusty hoof prints. The temperature is in the 100s this July day, and despite good rainfall in recent weeks,

### Where did Pumpkin Creek go?

The owners of the Spear T Ranch are suing upstream groundwater irrigators for \$4 million, claiming their pumping has dried up Pumpkin Creek. The groundwater irrigators say a number of reasons — including drought — could be to blame.



### In the months ahead

"Platte River Odyssey" is a collaboration between the Lincoln Journal Star and the University of Nebraska-Lincoln College of Journalism and Mass Communications. In the coming months, the series will deal with several themes related to the Platte River basin:

- Lessons from the Cedar Point Biological Research Station
- The economics of irrigation
- History of irrigation in the Platte Valley
- The Platte Metroplex: Lincoln and Omaha rely on the Platte
- Recreation on the river

tered surface irrigation acres — compared with about 43,000 acres certified for groundwater irrigation, said Ron Cacek, manager of the

## Main irrigation district considers joining Big Mac water lawsuits.

BY ALGIS J. LAUKAITIS  
Lincoln Journal Star



PHOTOS BY ERIC GREGORY/  
Lincoln Journal Star

■ A major undertaking: Workers for Styskal Irrigation sink a well in a field southeast of Exeter.

## More and more irrigation wells being dug

OMAHA WORLD-HERALD

## Drought may pit farmers, hunters

BY BILL HORD  
WORLD-HERALD BUREAU

LINCOLN — The conflicting interests of rain-starved farmers and habitat-starved hunters may be on a collision course this summer.

The potential rub surfaced Wednesday during the first 2002 meeting of Gov. Mike Johanns' drought-preparedness task force, a group of state agency leaders who met periodically during the drought of 2000 to discuss their plans to help state residents cope.

That year, the state allowed farmers to harvest hay from roadside ditches starting in mid-July, as the hatching season for pheasants and quail began to wane. The hay was needed to feed livestock whose normal pasture grass had been burned by heat and drought.

"Everybody realized that farmers were in tough straits," said Kirk Nelson, assistant director of the Nebraska Game and Parks Commission.

But this year, Nelson said, small communities are complaining about a steep decline in the number of hunters who patronize their restaurants and gas stations.

The pheasant population has declined, and the number of upland game hunting licenses sold this year is down 7,000, or about 4.4 percent, from a year ago.

"Now, we're in the same position the farmers are in," Nelson said after the conclusion of the half-hour task force meeting in the Governor's Hearing Room at the State Capitol.

Hunters, he said, could perceive roadside haying as trading recreational dollars for agricultural dollars.

Johanns raised the issue of roadside haying as agency representatives discussed the status of this year's drought, which is deepening in the southwest and western parts of the state while the eastern part of the state gets timely rains.

"Is there a point we look at the

road ditches?" Johanns asked the group.

Agriculture Director Merlyn Carlson said cattle already were being shipped from western Nebraska to greener pastures. "The grass has simply stalled out," he said.

The state could revive the "hay hot line" that in 2000 helped match hay purchasers with hay sellers, Carlson said.

For now, Johanns said, the state should monitor the livestock feed situation. In the driest parts of the state, he said, roadside ditches weren't worth cutting for hay.

Other points raised during the meeting:

■ There are no reports yet of shortages in community water supplies. In 2000, 98 communities were monitored by the state because of depleted wells.

■ As a result of the 2000 drought, many communities have received federal grants to assist their fire departments in training.

## NEBRASKA

### of snow has repercussions across Nebraska

## Worries come early this year



## Lake McConaughy lowest in 45 years

Nebraska Gov. Mike Johanns met with Panhandle farmers earlier this month on the banks of the Farmers Irrigation Tri-State Canal north of Scottsbluff, where he learned about the impact of the drought on irrigation and dryland farmers. Normally, water would be flowing in the canal by now, but irrigation districts plan to delay deliveries until about mid-June because of the lack of water in the North Platte River reservoir system.

## Water levels low

Water is low in three reservoirs in Wyoming (the Pathfinder, Glendo and Guernsey), which store water for irrigators in Nebraska. Snow melt from the mountains feeds the reservoirs, which flow into the North Platte River then into the irrigation canals of western Nebraska. The reservoirs provide irrigation water directly or indirectly to 670,000 acres of cropland, about 10 percent of Nebraska's irrigated land.

Spring is normally when inflows into Lake McConaughy are at their highest. Melting snow in the higher elevations of Colorado and Wyoming flow into the lake via the North Platte and South Platte rivers. But this year there just hasn't been that much snow in the mountains, so the amount of water coming in from Colorado and Wyoming will be less.

Low 9,000 feet has melted already," Central spokesman Tim Anderson, who toured both states recently, "Wyoming — they don't have any snowpack left. ... It's really depressing."

Snowmelt runoff in the North Platte River Basin is expected to be only 29 percent of the 30-year average, Central officials say. Also, the water watchers start worrying when Wyoming doesn't get much snow.

"We know it will be dry in the Panhandle. There is just no question about that," said Algis J. Laukaitis, Nebraska Department of Natural Resources-PO Box 94676-Lincoln, NE 68509-Phone 402-471-2363

## Nebraska drought expected to get worse yet

Over the next two weeks, temperatures should be a little cooler with a better chance of rain, but that will not be widespread, said Mike Moritz with the National Weather Service in Hastings.

Long-range forecasts through February show that temperatures and precipitation should be around normal, but Moritz said to expect it to be hotter and drier than average. "Plan for dry and be thankful for wet," he said.

Those who think recent rains ended the drought are mistaken, the committee was told. "As soon as it rained, I got about half a dozen calls asking if this was the end of the drought," Dutcher

al outlook shows that drought will persist or intensify through November 2003.

Don't expect there to be any improvement in the short term, said state Climatologist Al Dutcher.

forecasters, means more drought conditions in the state.

"We've got a really long-term situation we're trying to overcome," said Mark Svoboda, a climatologist for the National Drought Mitigation Center in Lincoln. "We had a little bit of a false sense of security through June."

The drought began four years ago in southwest Nebraska and has spread to most of the state.

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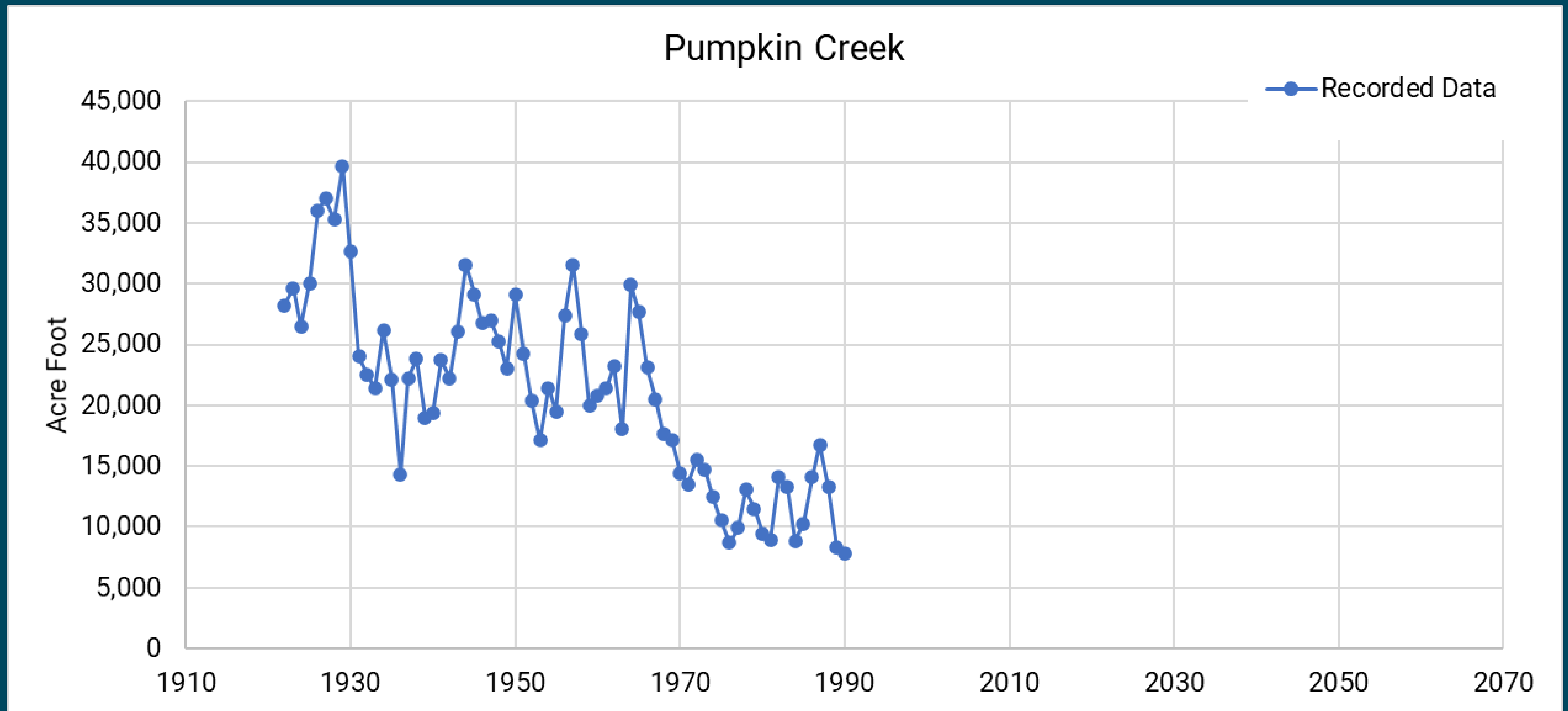
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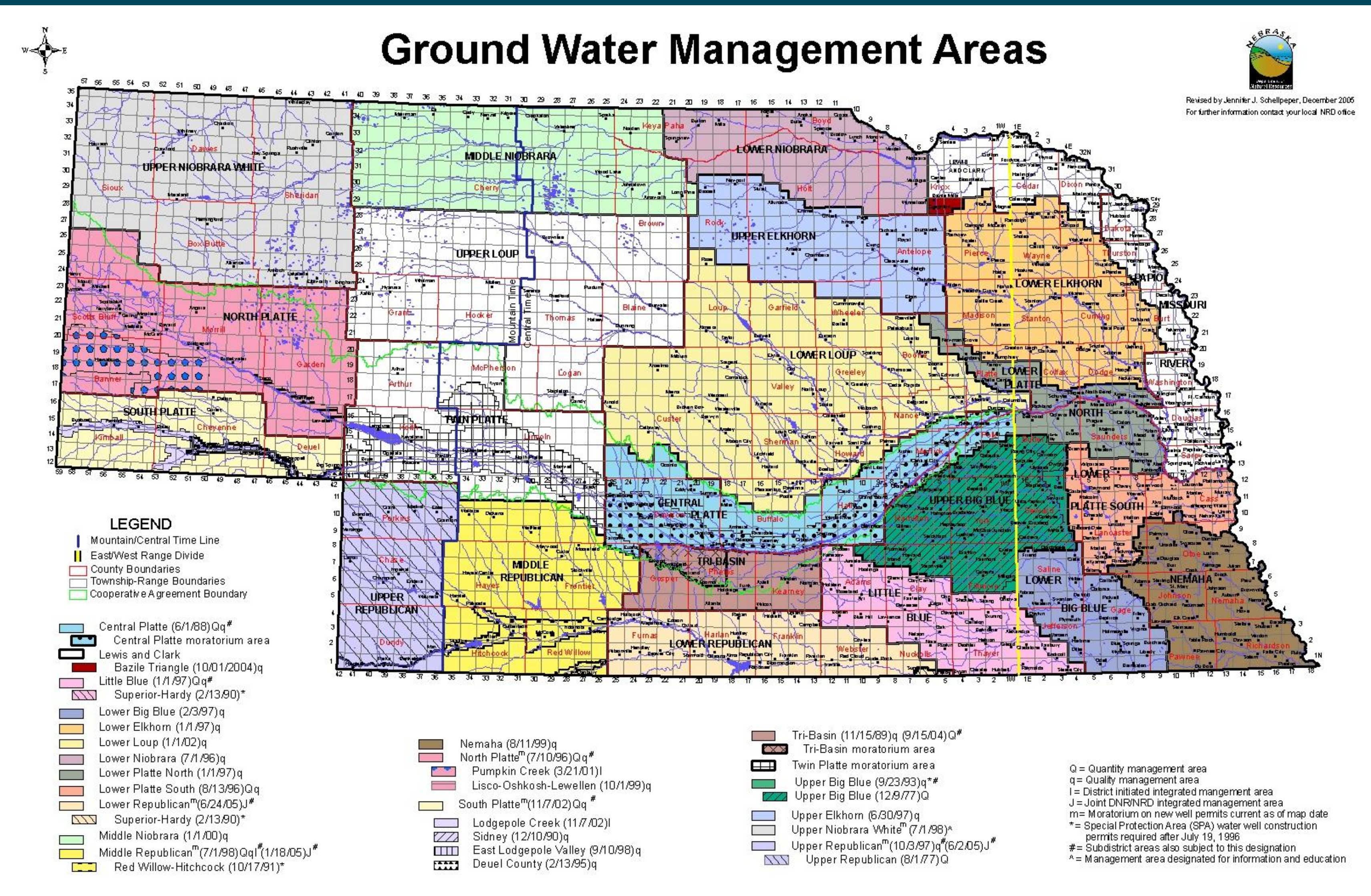


# Pumpkin Creek Then...





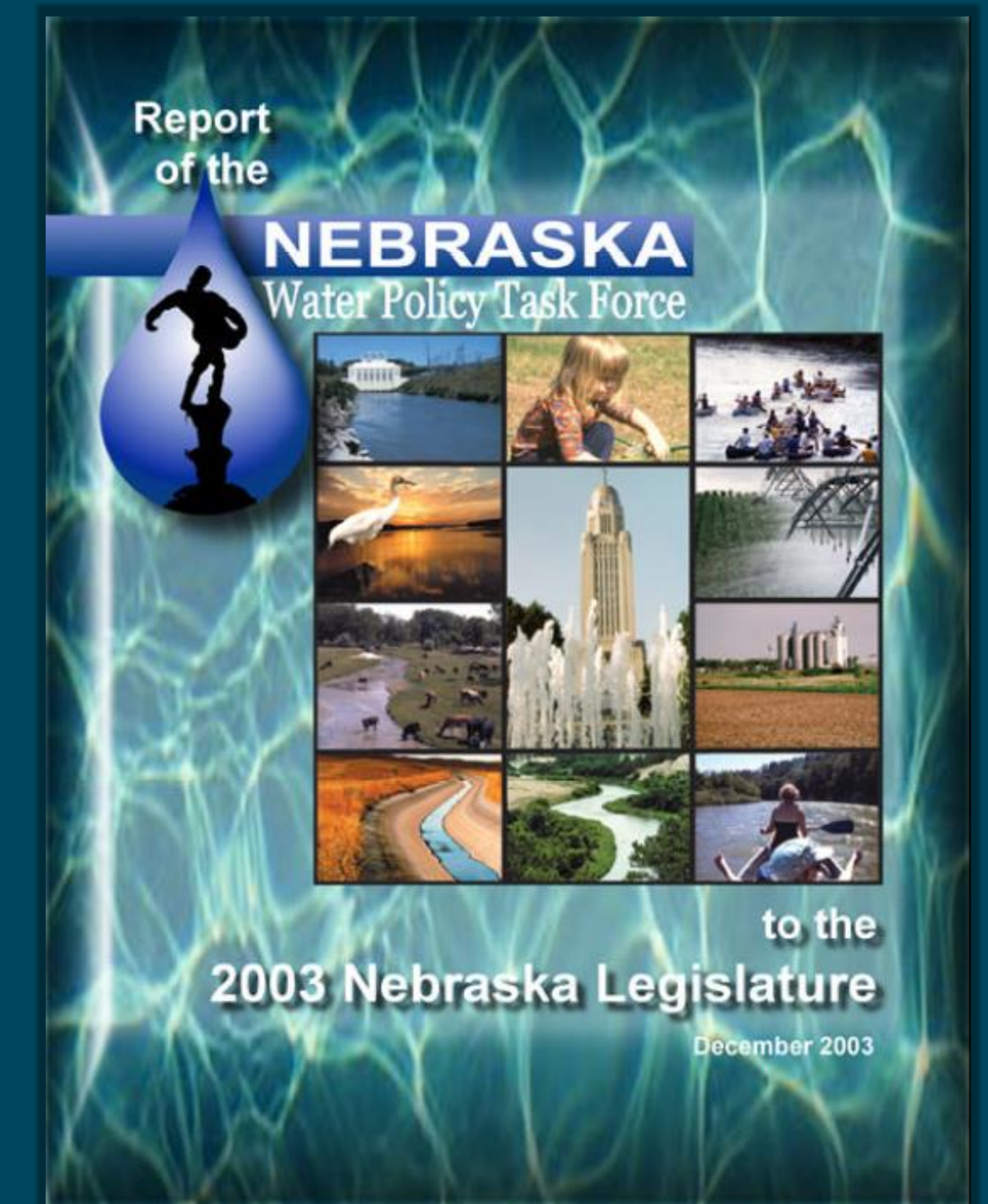
# Pre - LB 962 Conditions



- Some water planning and management tools
  - Groundwater Management and Protection Act (1975)
- Some planning and control elements
  - Joint Action Plans
    - Derived from LB 108 (1996)
    - Explicitly established hydrologic connection between ground and surface water
- In practice, NRDs lacked the authorities and hard deadlines to adequately respond to imbalances between demand and supply



# A New Vision



- Authorized by LB 1003 in 2002
  - 49 members
  - Submitted report in December 2003
- Recommended a more proactive approach to Integrated Management of Hydrologically Connected Waters
- Recommendations embodied in 2004 legislation: **LB 962**



# LB 962

- Passed Unicameral April 13, 2004, by 44-2-3 vote
- Approved by Governor Johanns on April 15, 2004
- Effective July 16, 2004

## LEGISLATIVE BILL 962

LB 962

LB 962

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
SECOND SESSION

LEGISLATIVE BILL 962  
FINAL READING

Introduced by Natural Resources Committee:  
Schrock, 38; Chairperson: Friend, 10; Jones, 43;  
Krause, 34; Loudon, 49; Praister, 5; Stuhr, 24; and  
Aguilar, 35; Baker, 44; Beutler, 28; Brown, 23;  
Brown, 6; Burling, 33; Combs, 32; Cudaback, 36;  
Erdman, 47; Jensen, 20; Johnson, 37; Landis, 46;  
D. Pederson, 42; Price, 26; Radtke, 25; Schimke, 27;  
Stutman, 22; Welsh, 2

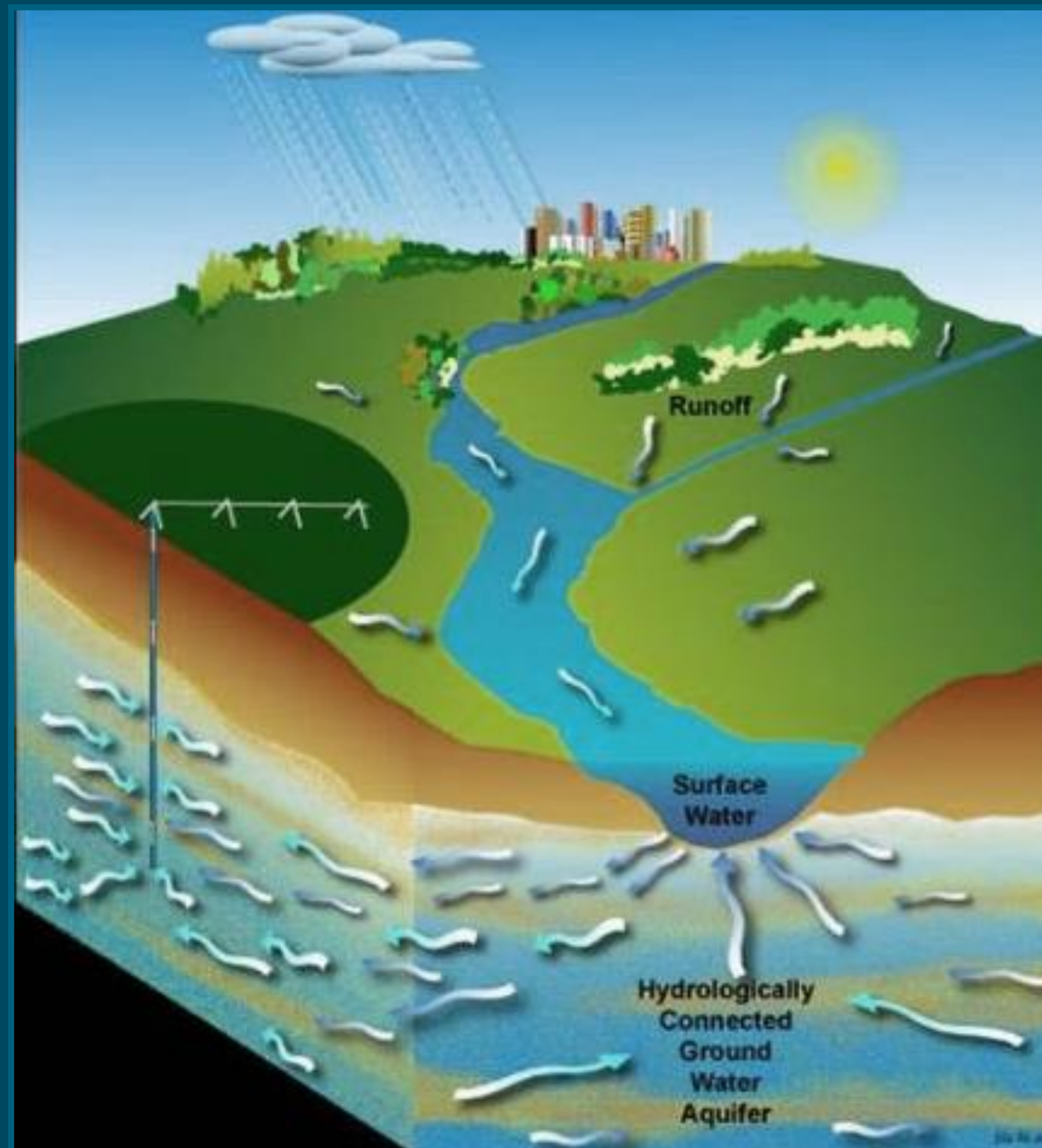
Read first time January 9, 2004

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources: to amend sections 2-1586,  
2 2-3225, 46-229.02, 46-229.03, 46-2,127, 46-609, 46-651,  
3 46-656.03, 46-656.04, 46-656.08, 46-656.11, 46-656.13,  
4 46-656.21, 46-656.32, 46-656.35 to 46-656.37, 46-656.39,  
5 46-656.41 to 46-656.48, 46-656.64, 46-680, 46-1207.01,  
6 46-1207.02, 46-1212, 46-1228, 61-206, 66-1501, 66-1519,  
7 66-1523, 66-1525, 66-1529.02, 77-27,137.02, and 77-3442,  
8 Revises Revised Statutes of Nebraska, sections 2-1588,  
9 13-520, 46-226.03, 46-229, 46-229.04, 46-230, 46-235.04,  
10 46-237, 46-261, 46-290 to 46-295, 46-2,112, 46-2,119,  
11 46-2,132, 46-2,135, 46-601.01, 46-613.02, 46-653,  
12 46-656.05, 46-656.14, 46-656.19, 46-656.25 to 46-656.27,

-1-



## Surface Water

- Regulated by NeDNR
- Prior appropriations
- First in time is first in right

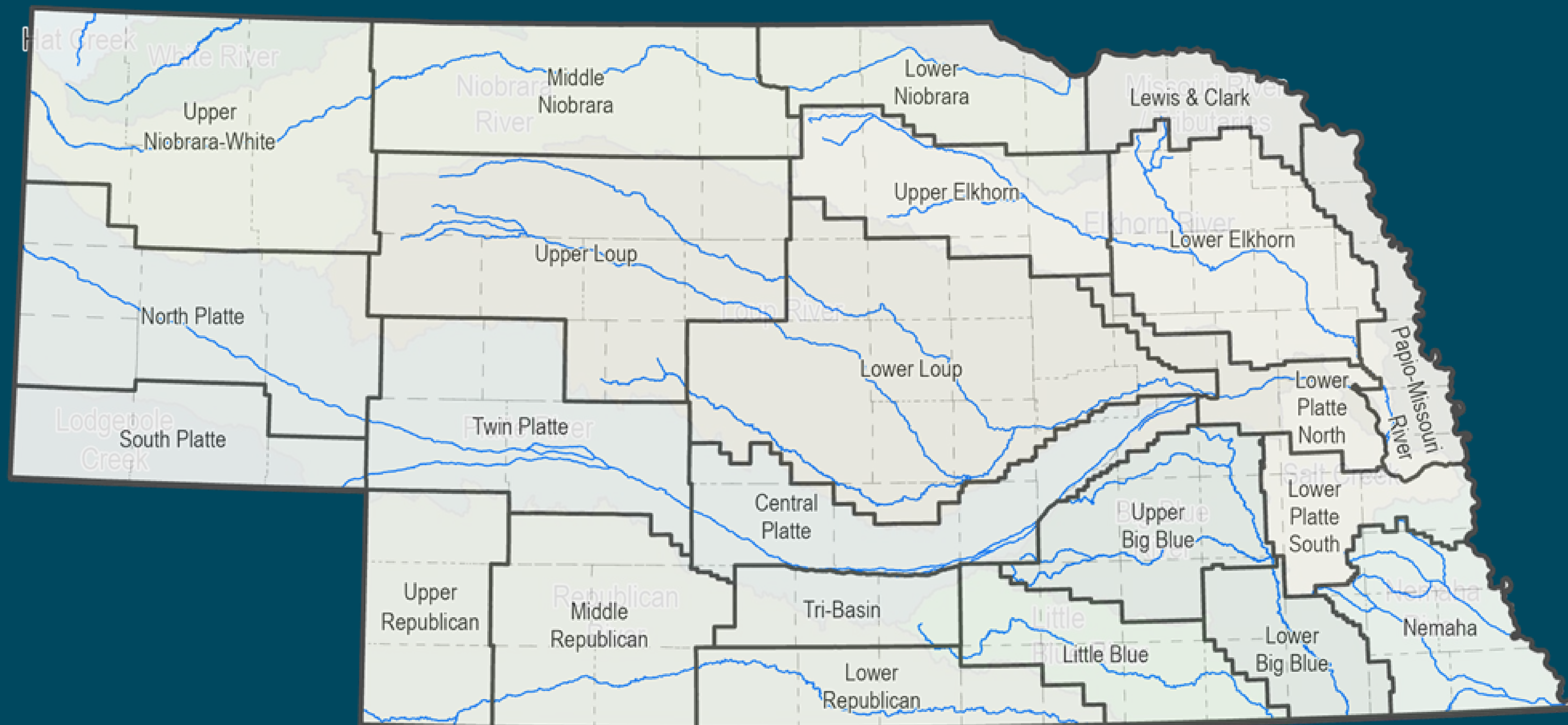
↑  
Integrated  
water  
management  
↓

## Groundwater

- Regulated by NRDs
- Correlative rights
- Share and share alike



# Surface and Groundwater Management Boundaries





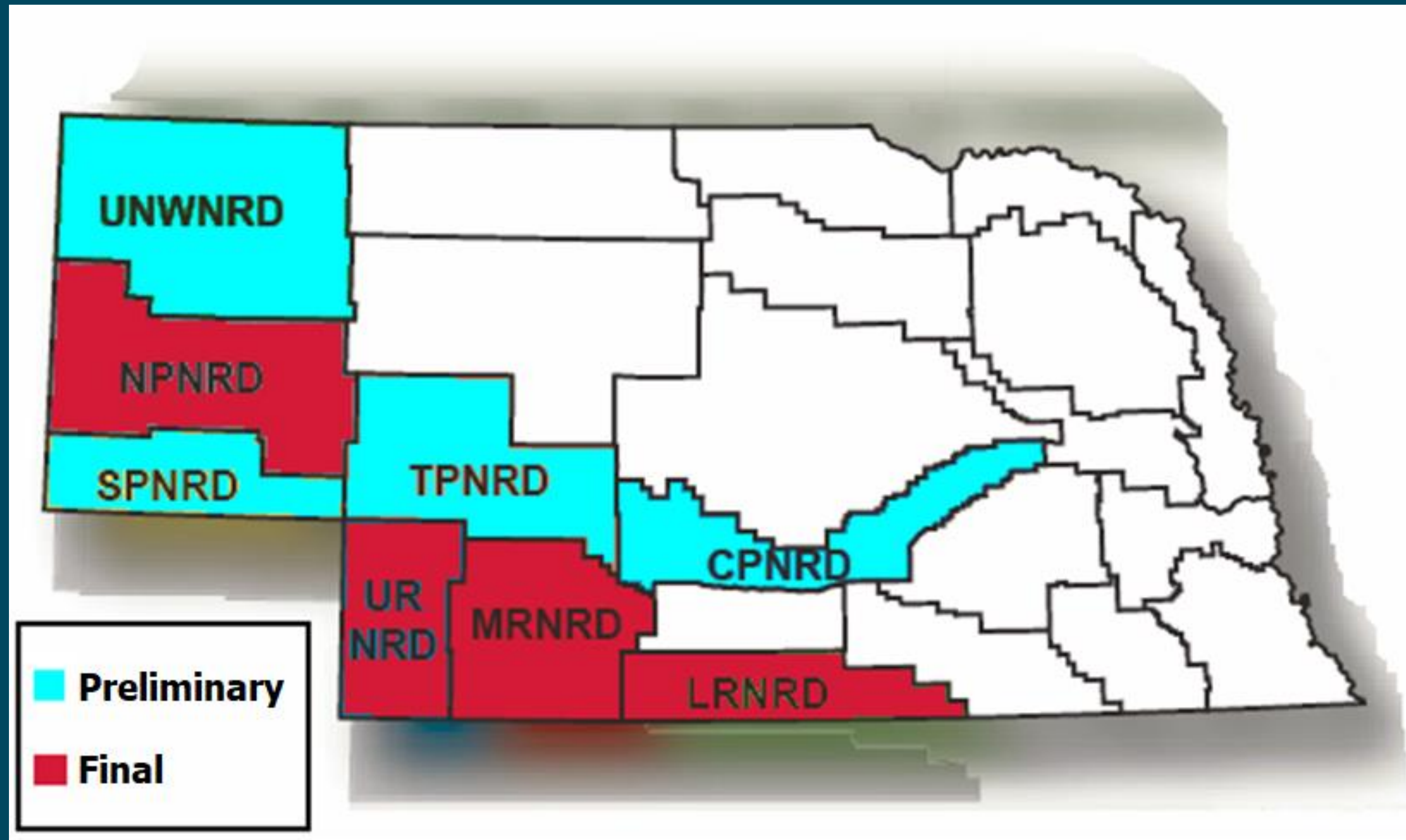
# LB 962

- Provides new tools and controls for surface water
- Provided new tools and controls for groundwater
- Developed a process for Integrated Management Plans:
  - Goals and objectives to sustain a balance between water uses and water supplies for all hydrologically connected waters
  - Map showing extent of the area subject to IMP
  - One or more groundwater controls
  - One or more surface water controls
  - May include incentive programs

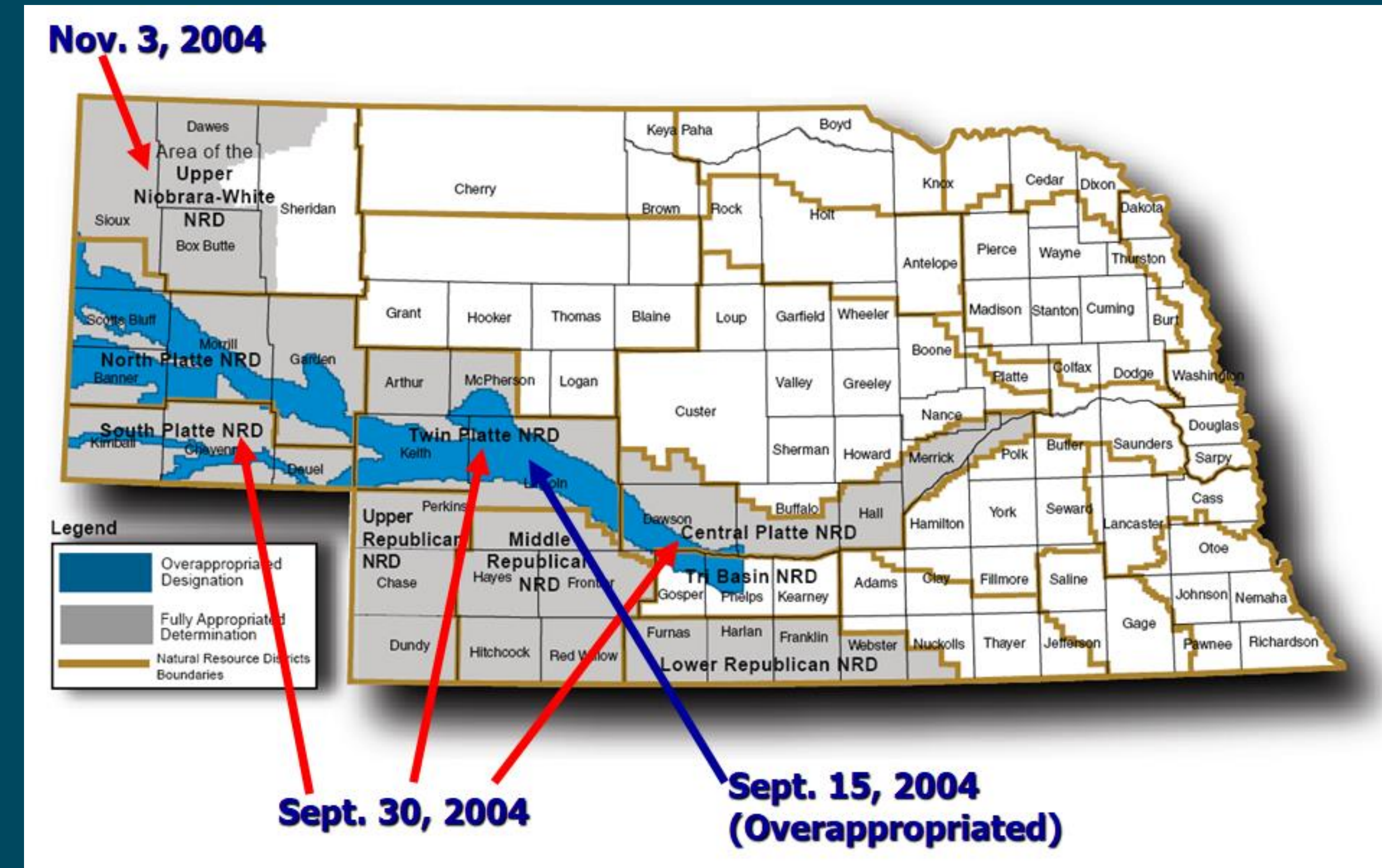




# LB 962



**Fully Appropriated Designations, July 16, 2004**



**Fully and Overappropriated Designations, Final**



# Early Days of Implementation



# Early Implementation Issues

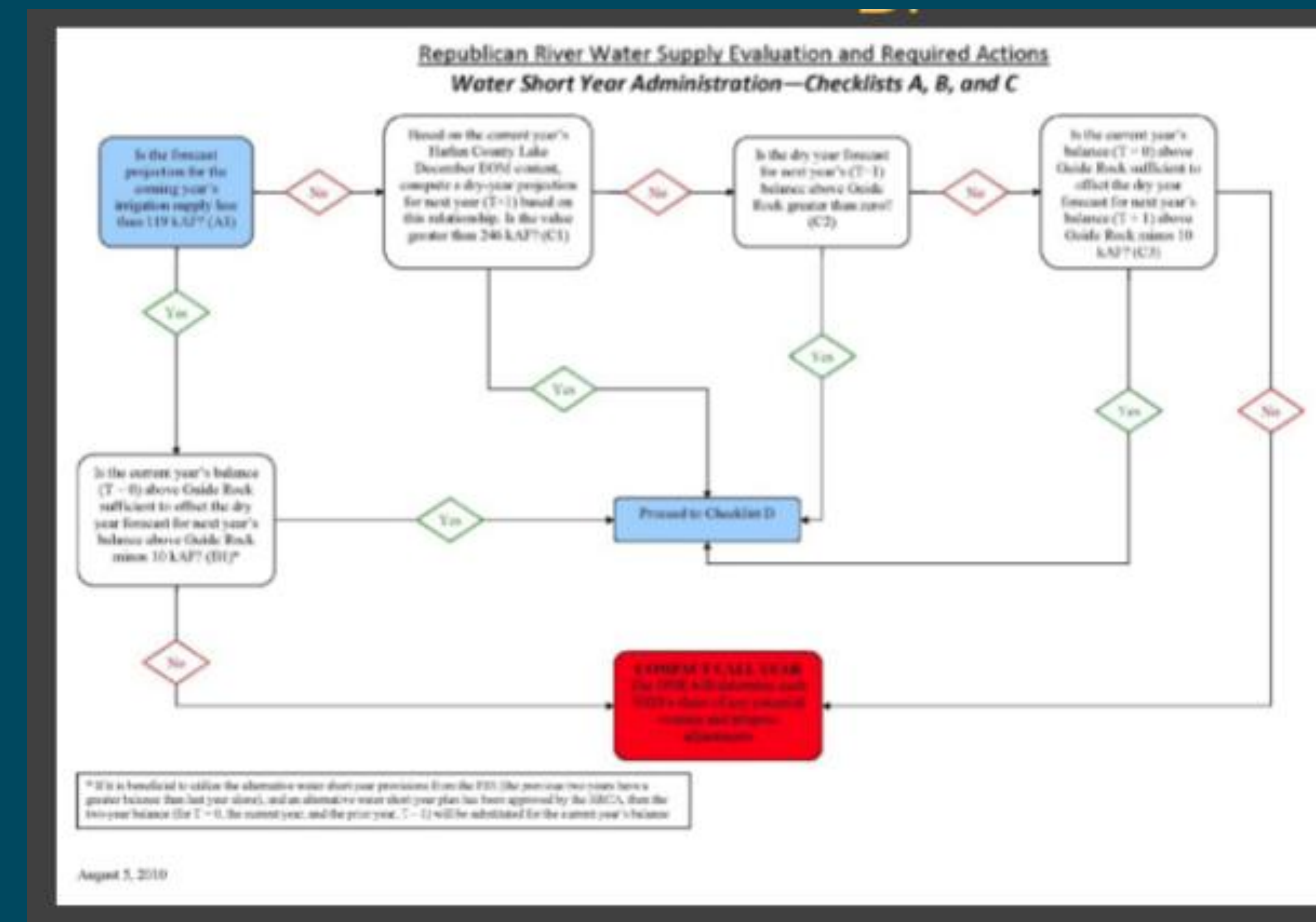
- Discussions over State vs. NRD obligations and authorities
- Interstate litigation #2 in Republican River Basin
- Lack of clear dedicated funding sources
- Platte River Recovery and Implementation Program signed (ESA compliance)
- Annual Evaluation of Hydrologically Connected Waters (FAB Report)
- Municipal and Industrial water supplies





# New Laws and Tools Added

- 2006
  - LB 1226
  - Forecast in Republican River Basin, Municipal and Industrial Allocations
- 2007
  - LB 701
  - New NRD funding tools and Water Resources Cash Fund
  - The Department establishes a dedicated division to support interstate management and integrated management



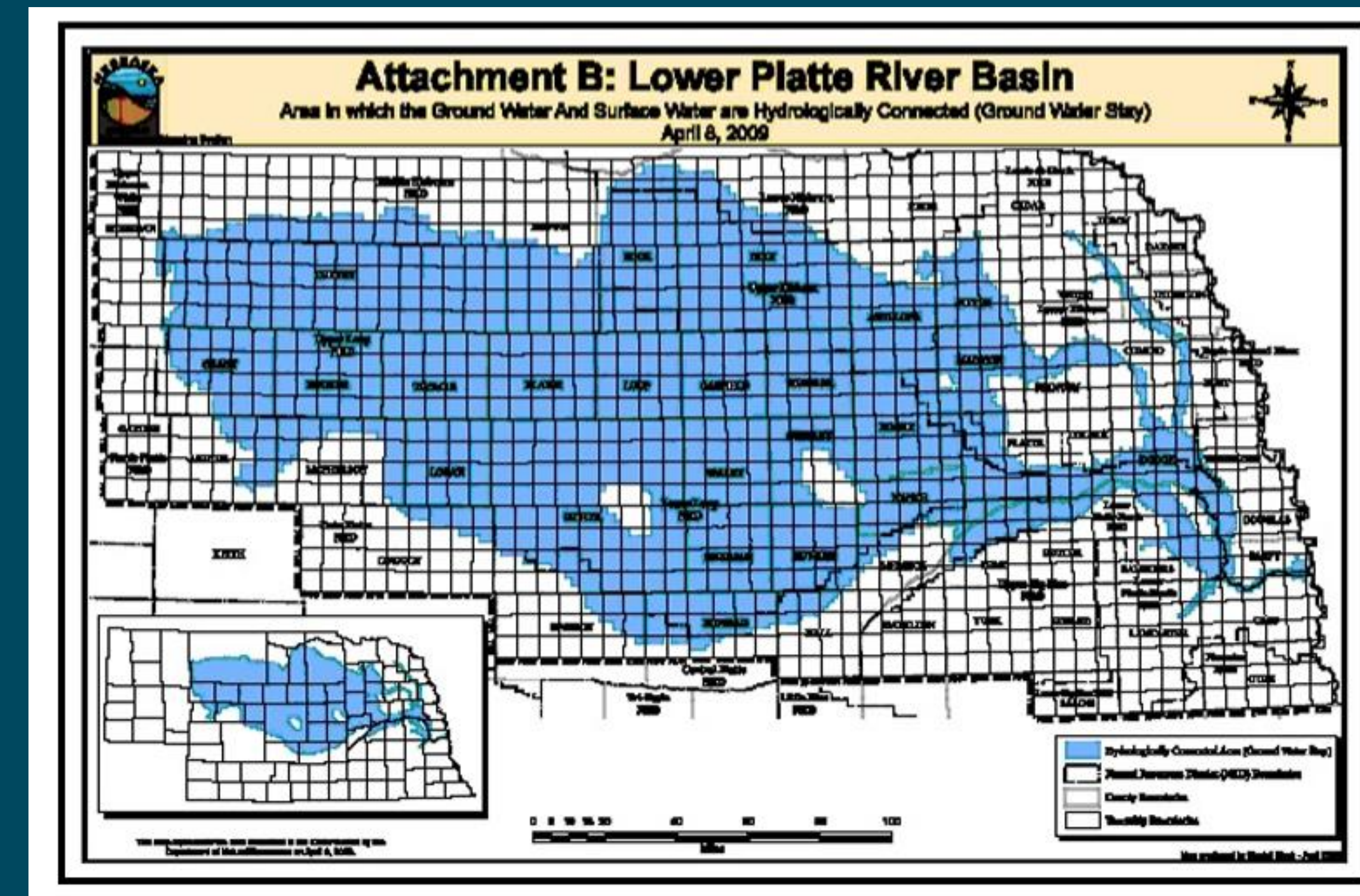


# Middle Period of Implementation



# Middle Period of Implementation

- PBHEP and PBC organize funding in Upper Platte
- Interstate litigation #2 in full swing, 3<sup>rd</sup> generation of IMPs
- You are Fully Appropriated, No You're Not – Round 1 Lower Platte
- You are Fully Appropriated, No You're Not – Round 2 Niobrara
- Major projects being implemented
  - Rock Creek Aug., Conj. Management, NCORPE, etc.



Good Life. Great Water.

DEPT. OF NATURAL RESOURCES



# New Laws and Tools Added

- 2009
  - LB 483
  - Reversal rules for new development -2,500 acres
- 2009
  - LB 54
  - Could postpone FAB Evaluation for up to 4 years, economic development must be considered
- 2010
  - LB 764
  - Voluntary IMPs
- 2014
  - LB 1098
  - Water Sustainability Fund
  - The Department begins working to develop groundwater models statewide

LEGISLATIVE BILL 764

Approved by the Governor March 17, 2010

Introduced by Fischer, 43.

FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-717, Reissue Revised Statutes of Nebraska, and section 46-715, Revised Statutes Supplement, 2009; to change provisions relating to integrated management plans; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 46-715, Revised Statutes Supplement, 2009, is amended to read:

46-715 ~~(1)~~ (1)(a) Whenever the Department of Natural Resources has designated a river basin, subbasin, or reach as overappropriated or has made a final determination that a river basin, subbasin, or reach is fully appropriated, the natural resources districts encompassing such river basin, subbasin, or reach and the department shall jointly develop an integrated management plan for such river basin, subbasin, or reach. The plan shall be completed, adopted, and take effect within three years after such designation or final determination unless the department and the natural resources districts jointly agree to an extension of not more than two additional years.

(b) A natural resources district encompassing a river basin, subbasin, or reach that has not been designated as overappropriated or has not been finally determined to be fully appropriated may, jointly with the department, develop an integrated management plan for such river basin, subbasin, or reach located within the district. The district shall notify the department of its intention to develop an integrated management plan which shall be developed and adopted according to sections 46-715 to 46-717 and subsections (1) and (2) of section 46-718. The objective of an integrated management plan under this subdivision is to manage such river basin, subbasin, or reach to achieve and sustain a balance between water uses and water supplies for the long term. If a district develops an integrated management plan under this subdivision and the department subsequently determines the affected river basin, subbasin, or reach to be fully appropriated, the department and the affected natural resources district may amend the integrated management plan.

(2) In developing an integrated management plan, the effects of existing and potential new water uses on existing surface water appropriators and ground water users shall be considered. An integrated management plan shall include the following: (a) ~~Clear goals and objectives with a purpose~~

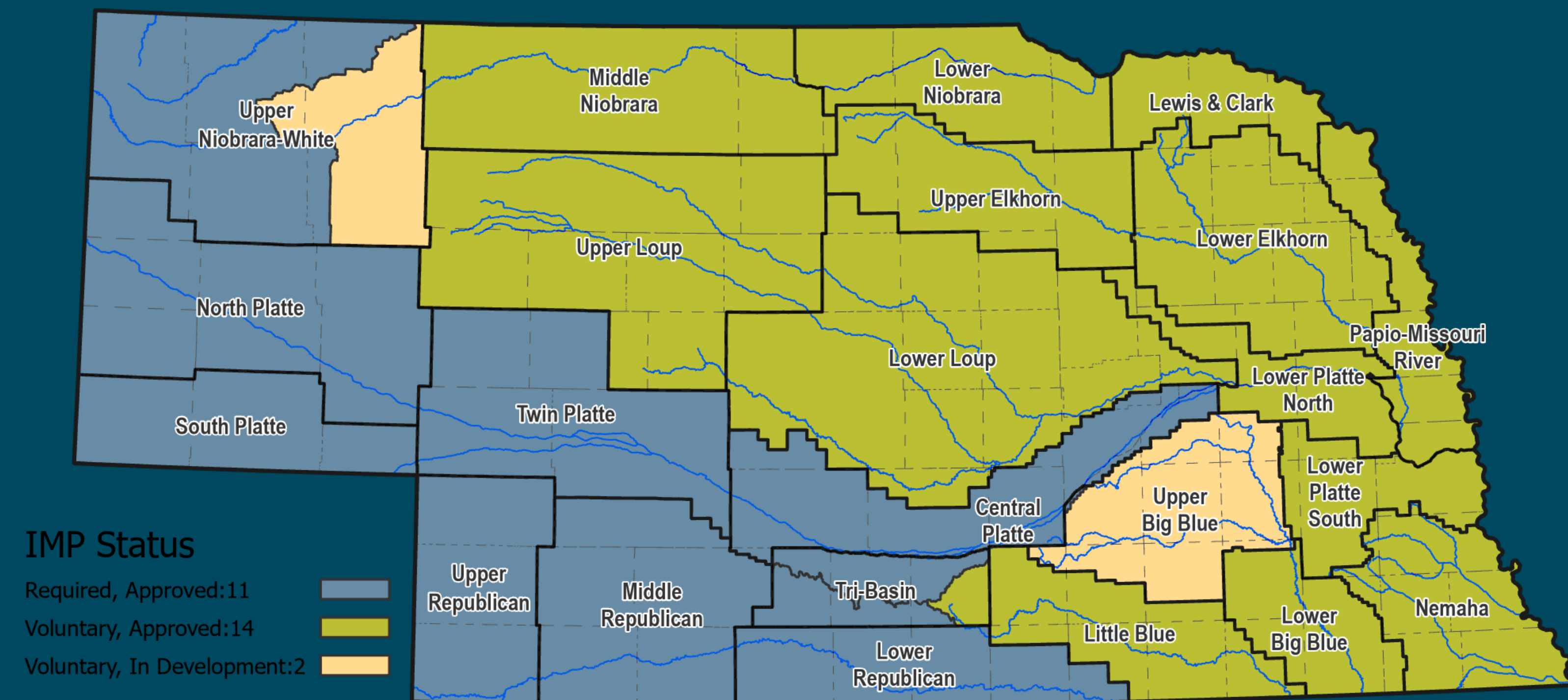


# More Recent Period of Implementation



# More Recent Period of Implementation

- **2012**
  - Following Flash Drought - Voluntary Basin-Wide Plan Lower Platte Basin
- **2014**
  - Republican River litigation completed
- **2015**
  - Spencer Hydropower Purchase Agreement
- **2017**
  - All NRDs begin Voluntary IMP Development – most recent full FAB report
- **2016 - 2018**
  - RRCA Resolutions adopted
- **2019**
  - PRRIP extended and Upper Platte IMPs extended for a second ten-year increment
- *Many other great water programs implemented!*



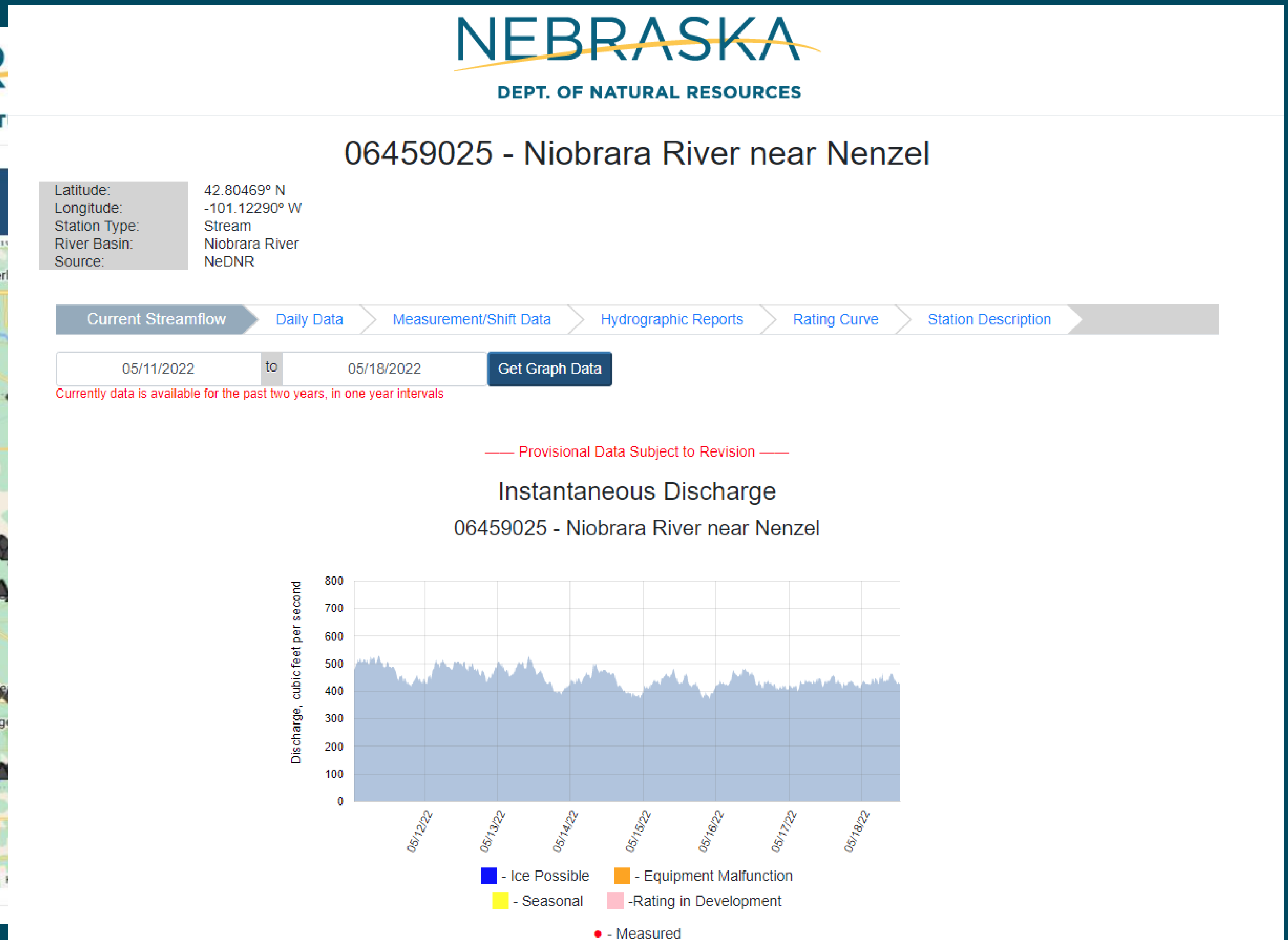
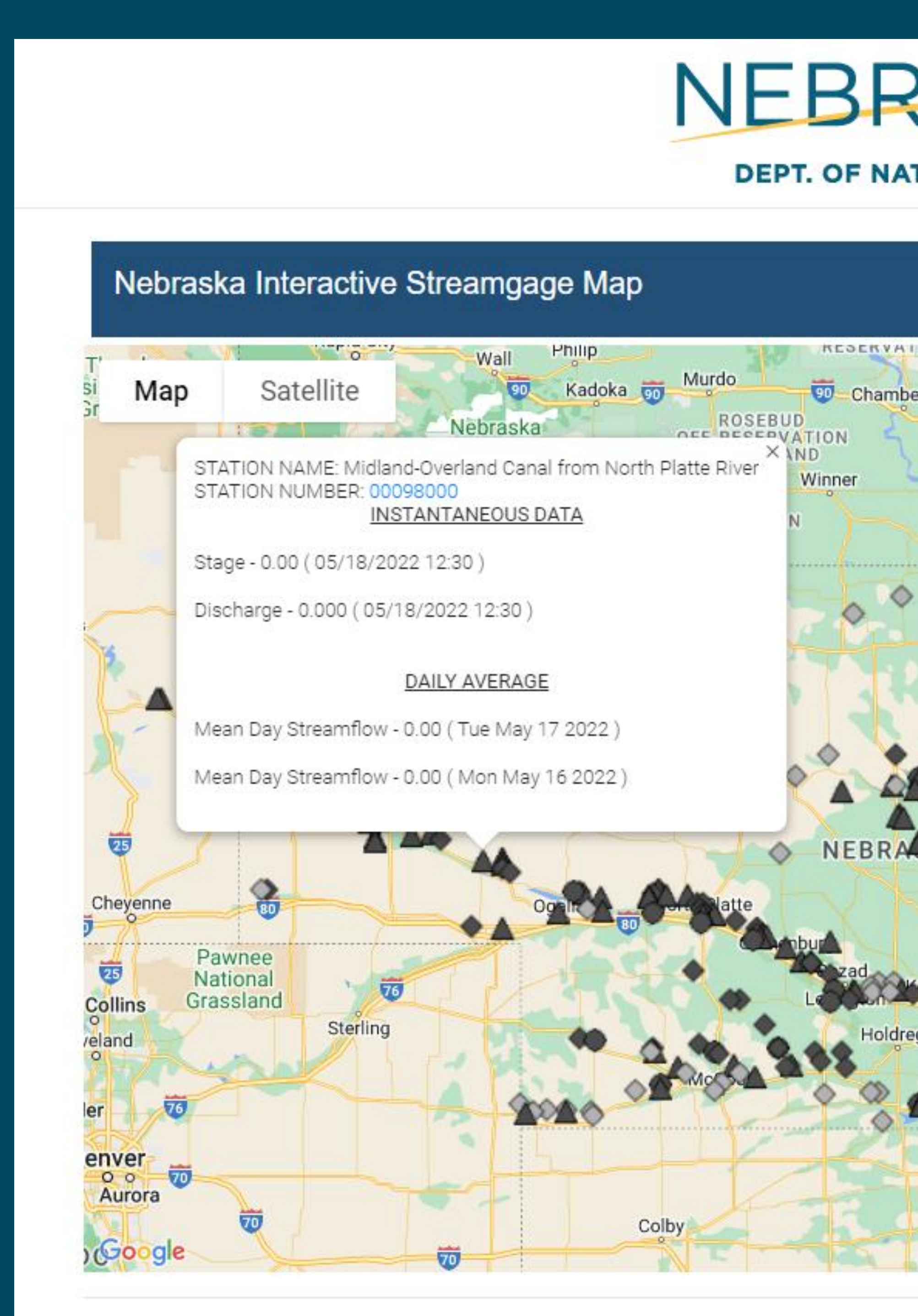
**Laws  
Stabilize,  
Minimal  
Change!**



# The Role of Science and Data Collection



# Stream Flow and Surface Water Use Monitoring

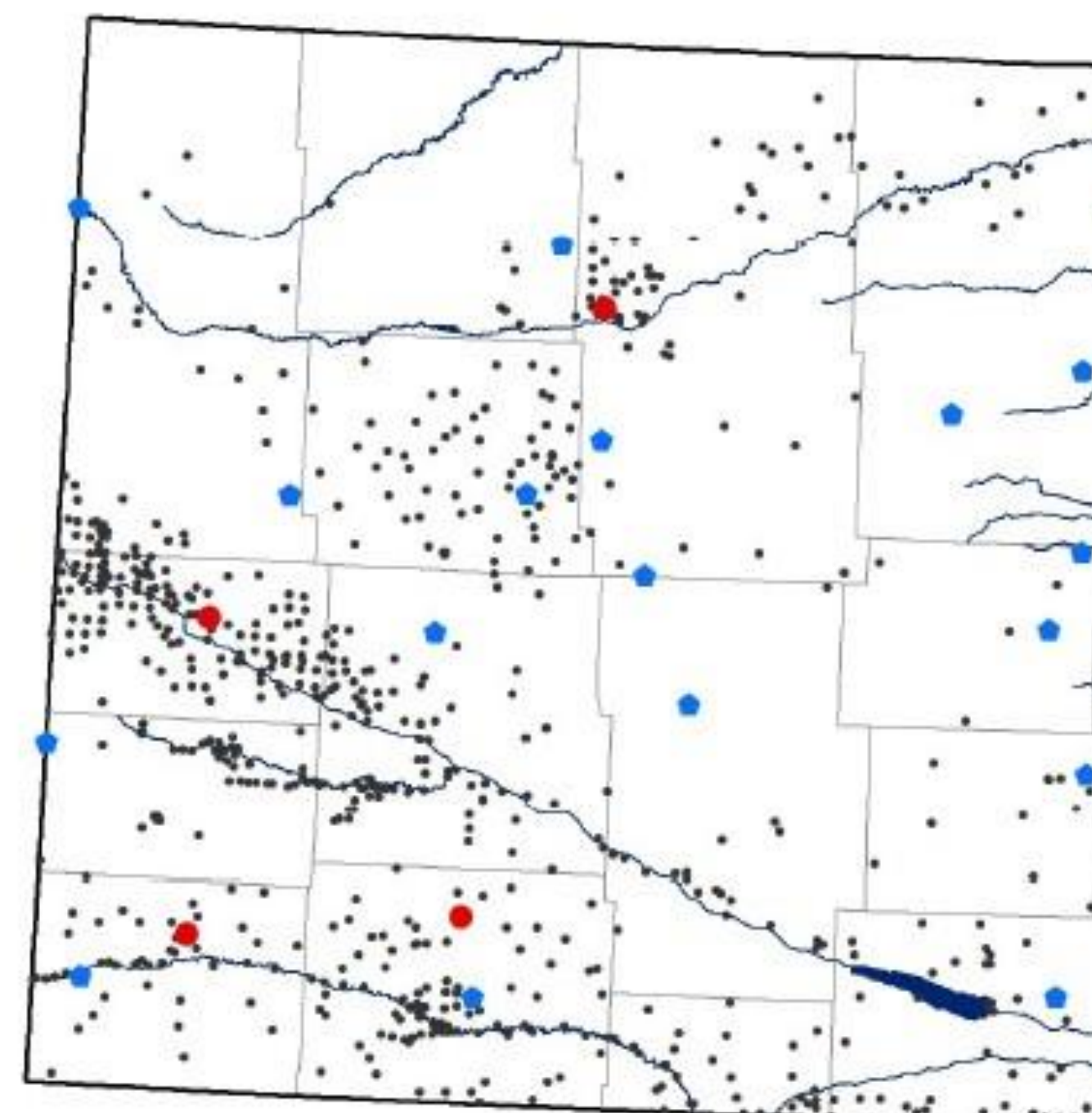




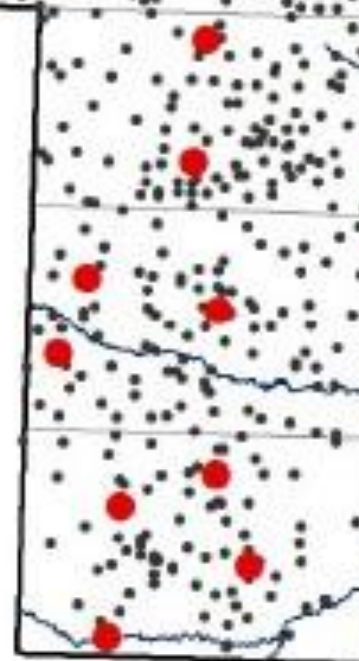
# Groundwater Monitoring (NRDs)

Lo

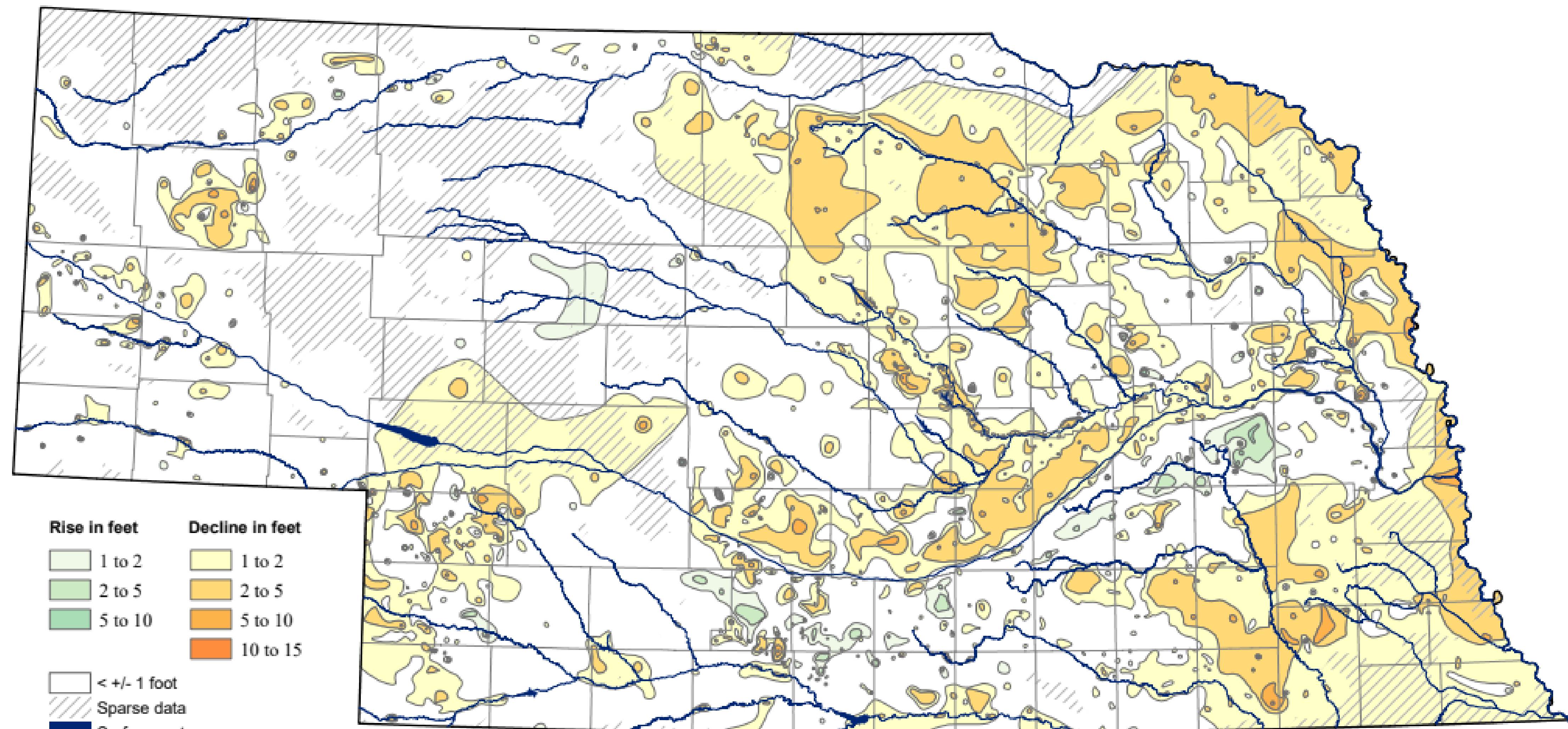
## Groundwater-Level Changes in Nebraska - Spring 2021 to Spring 2022



- Well Type**
- Daily recorder
  - Hourly real-time recorder
  - Spring/Fall observation



For an explanation of information presented on this map, see the 2022 Nebraska Statewide Groundwater-Level Monitoring Report, available for download at [go.unl.edu/groundwater](http://go.unl.edu/groundwater)



- | Rise in feet | Decline in feet |
|--------------|-----------------|
| 1 to 2       | 1 to 2          |
| 2 to 5       | 2 to 5          |
| 5 to 10      | 5 to 10         |
|              | 10 to 15        |

- < +/- 1 foot
- ▨ Sparse data
- Surface water

(1 foot = .3048 meters)

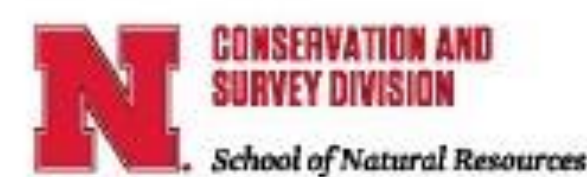
For an explanation of information presented on this map, see the 2022 Nebraska Statewide Groundwater-Level Monitoring Report, available for download at [go.unl.edu/groundwater](http://go.unl.edu/groundwater)

CONSERVATION AND SURVEY DIVISION (<http://snr.unl.edu/csd>)  
 School of Natural Resources (<http://snr.unl.edu>)  
 Institute of Agriculture and Natural Resources  
 University of Nebraska-Lincoln

Aaron Young, Survey Geologist, CSD  
 Mark Burbach, Water Levels Program Supervisor, CSD

**Data provided by:**

- Nebraska Natural Resources Districts
- Central Nebraska Public Power and Irrigation District
- U.S. Geological Survey  
Nebraska Water Science Center
- U.S. Bureau of Reclamation  
Kansas-Nebraska Area Office
- Conservation and Survey Division,  
University of Nebraska - Lincoln



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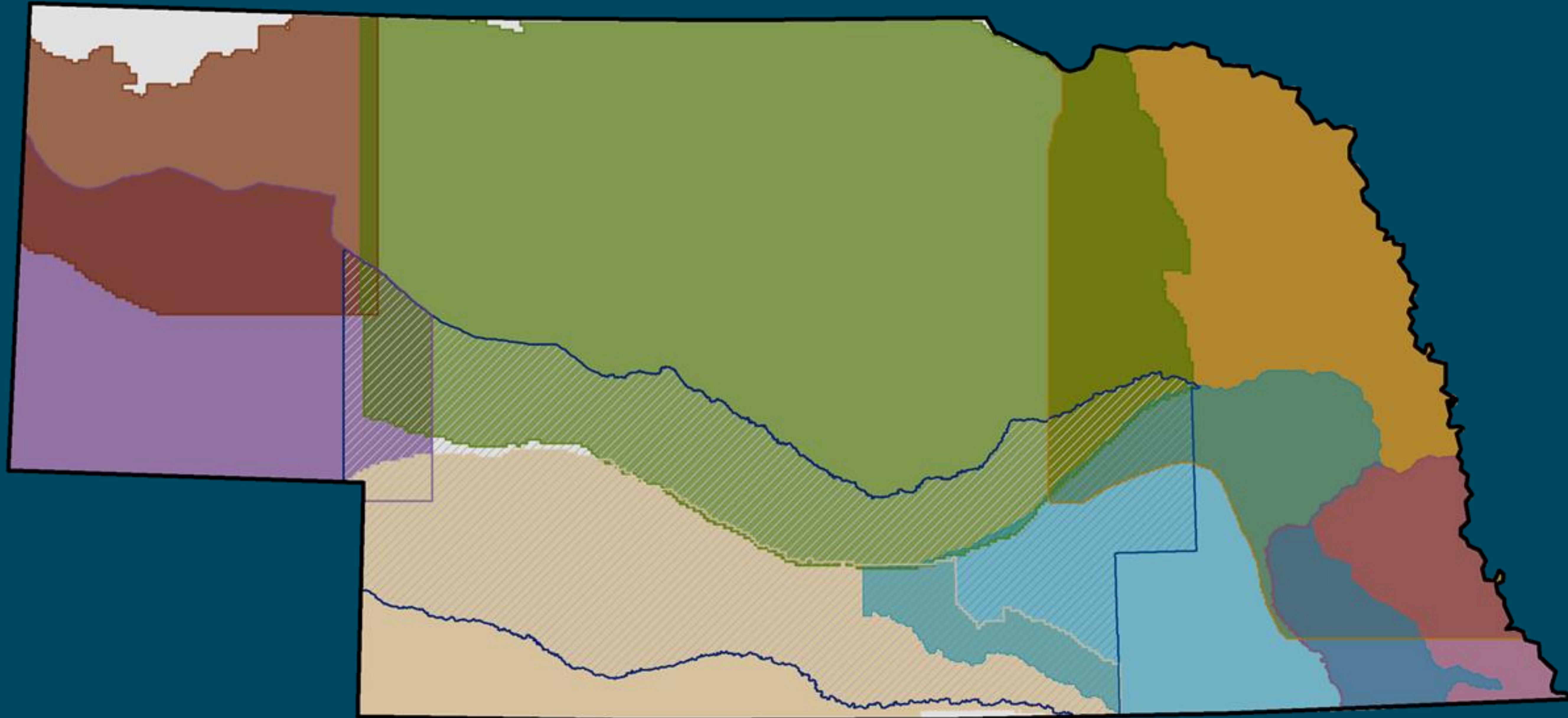
February 2023


Disclaimer: groundwater-level changes on this map are depicted at a small scale. They are intended to provide only a general overview of regional variation.





# GW Model Areas



- |   |   |   |
|---|---|---|
|  Blue Basin Model |  CENEB Model |  UNW Model |
|  Nemaha Model     |  LPMT Model  |  WWU Model |
|  COHYST Model     |  RRCA Model  |   |



# INSIGHT



An Integrated Network of Scientific Information & GeoHydrologic Tools

NEBRASKA

Good Life. Great Water.

DEPT. OF NATURAL RESOURCES

HOME ABOUT MODELING DATA STREAM GAGING GROUND WATER

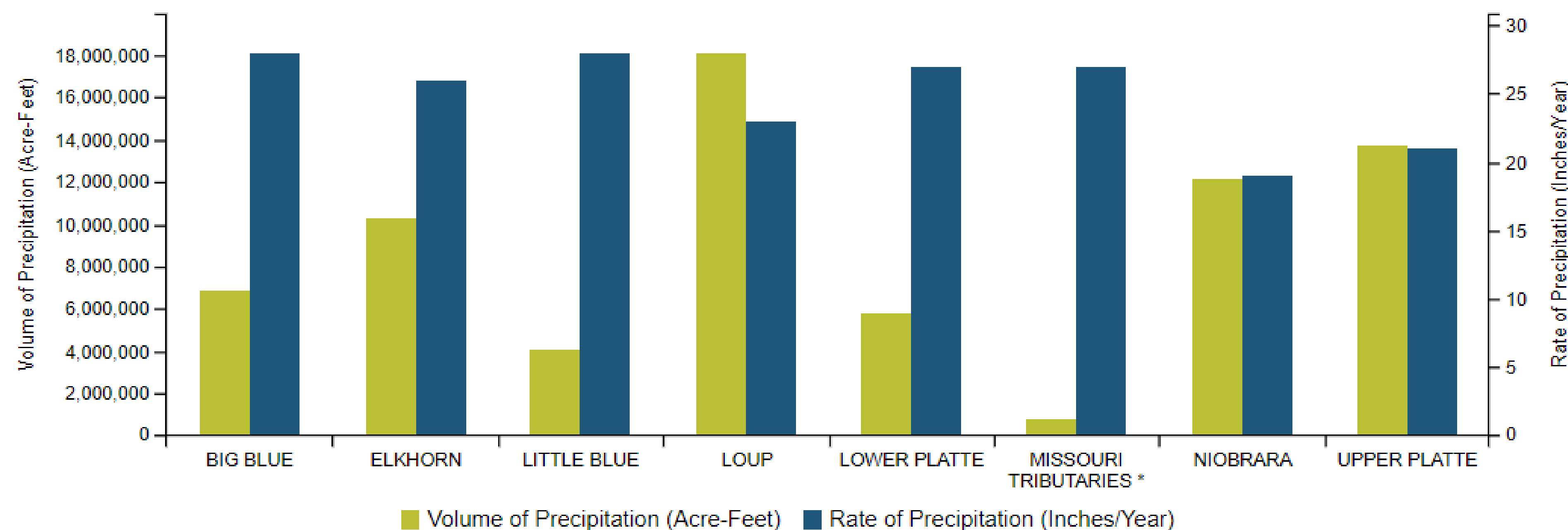
SELECT REGION ▼



Supply Demand Nature & Extent of Use



Chart: Precipitation Rates and Volumes by Basin Season: Annual



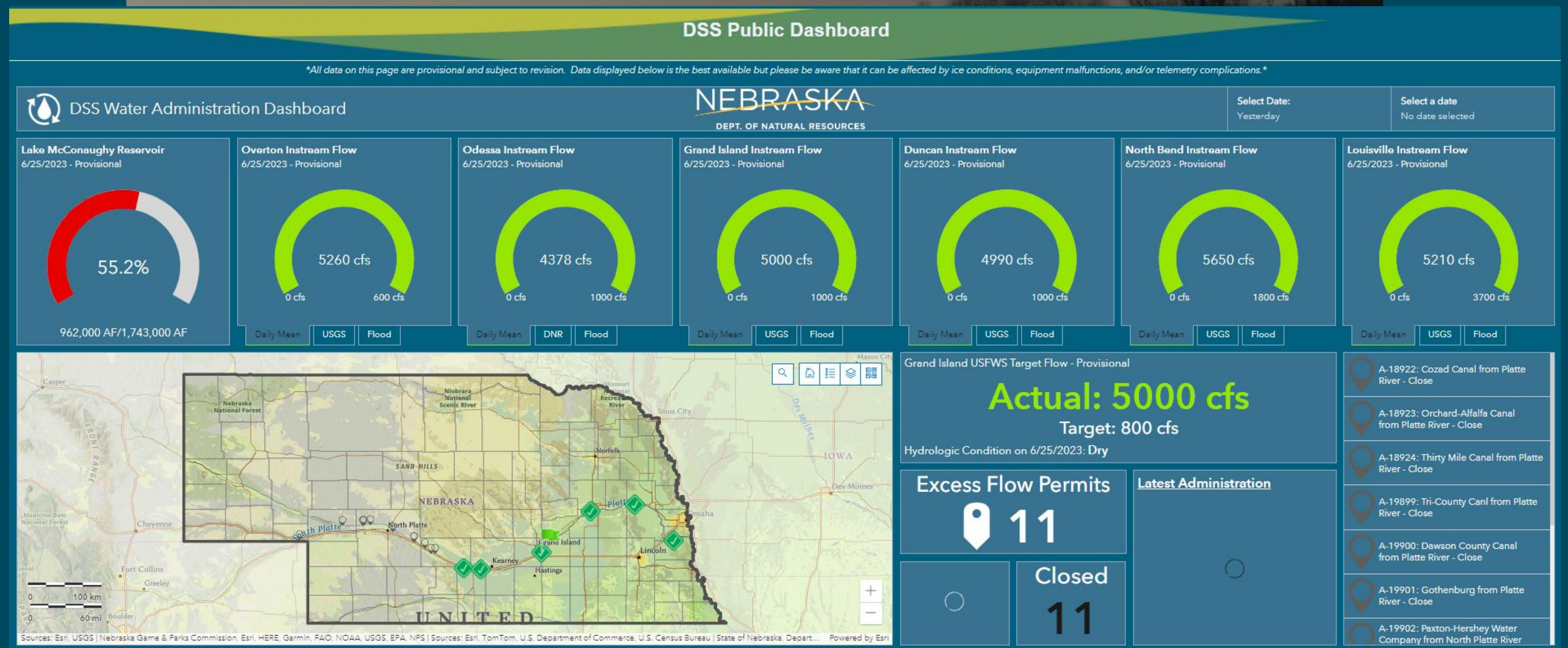
Supply

Basin water supplies represent the *streamflow* water supply that is available for total use within a river basin or subbasin. Each basin has its own temporal scale with some historical data going back to 1988. If no surface water or groundwater use was occurring by humans in a basin, the basin water supply would be represented by the streamflow data captured at a streamflow gaging station. However, streamflow is impacted by human activity; therefore, to calculate a total basin water supply, four water supply components are added together. These four water supply components include:



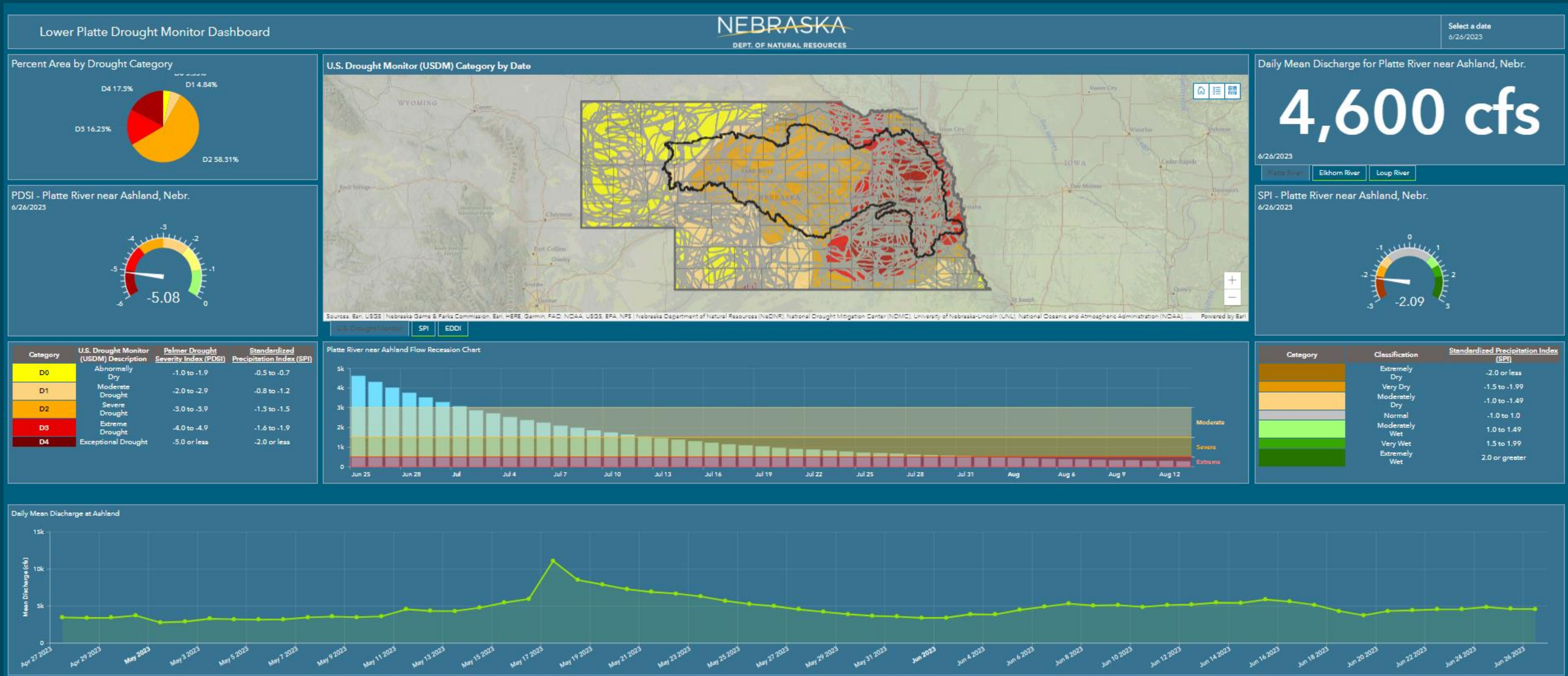
# Decision Support Tool

## What is DSS?



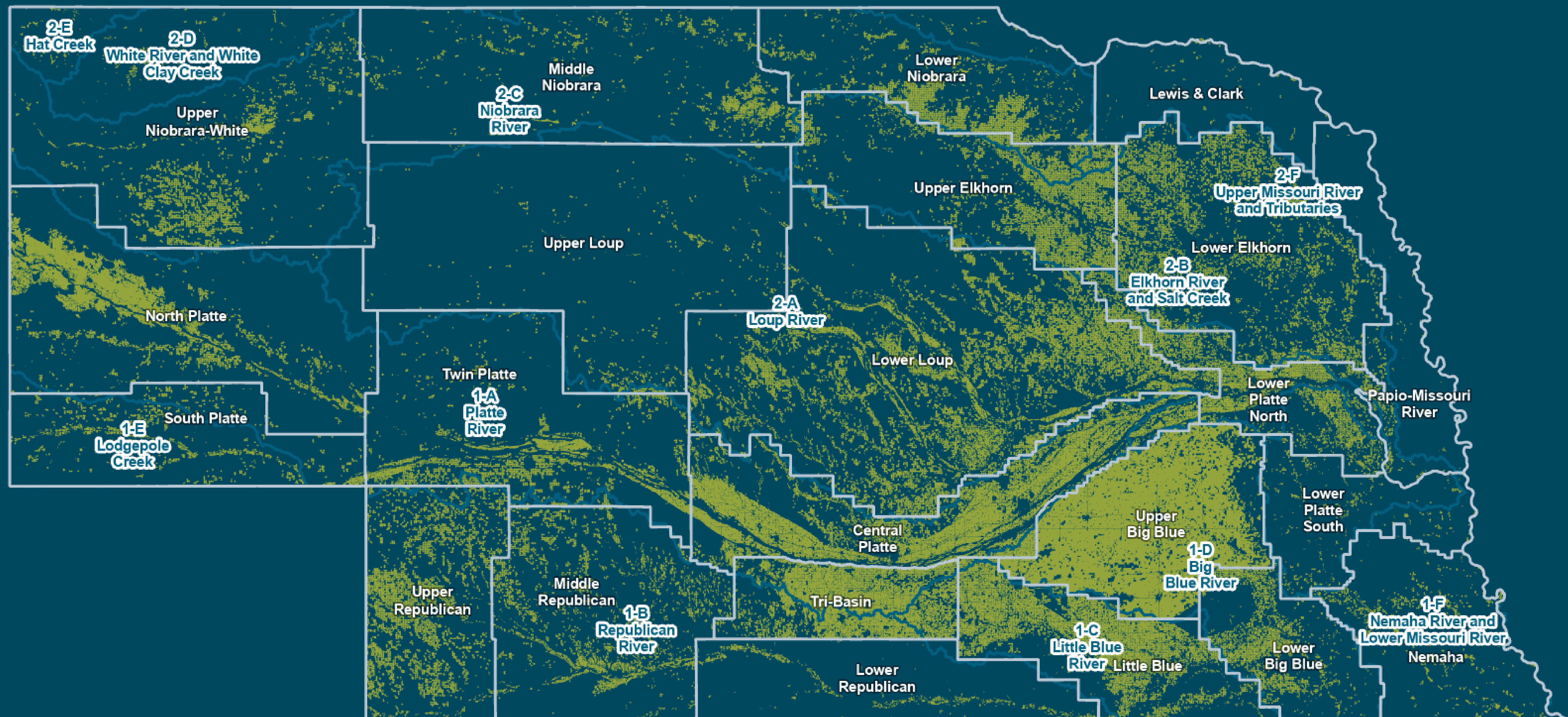


# Drought Monitoring





# Legally Irrigable Groundwater and Surface Water Parcels





# Benefits of Integrated Management

- More reliable streamflow's
- Improved and protected aquifer conditions
- More efficient use of Federal, State, and local funding
- More proactive water planning and management
- Improved communication between stakeholders
- Increased adaptability to changing conditions
- Improved science for decision making
- Preserved ability for individual NRDs to manage districts optimally, based on their unique conditions and characteristics
- Pooled resources for managing larger geographic areas via Basin Wide Plans
- Promoted Voluntary IMP development – initiated by local stakeholders, in addition to IMPs developed in response to NeDNR evaluation
- Balanced use of NeDNR and NRD Controls while promoting collaborative, consensus-based decision making
- Greater an environment of greater regulatory certainty for our water users





# Integrated Management is Held up as Model of Effective Water Management

- Subsequent legislation has helped refine and build on improvements enacted through LB 962
- Resulted in a proactive, robust framework for integrated water management in Nebraska

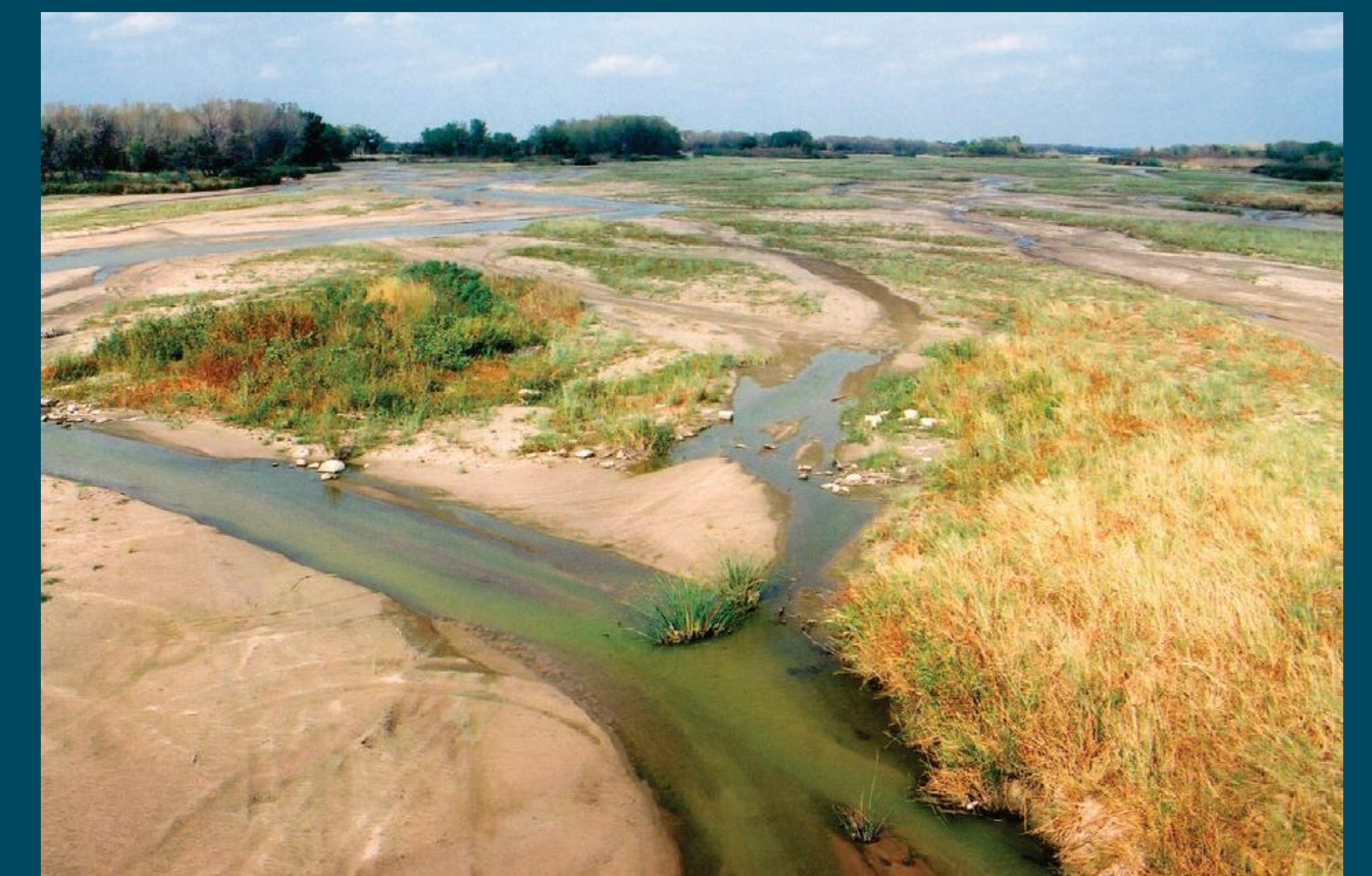
## Reduced Litigation



## Enhanced Cooperation between NRDs and NeDNR



## Improved Response to Droughts



**Partnerships have been the Key to Success!**



# Natural resources districts initiating voluntary Integrated Management Plans

Five Natural Resources Districts have initiated a voluntary water planning process with the Nebraska Department of Natural Resources. Most recently, the Lower Elkhorn NRD, joined the Lower Platte South NRD, the Lower Platte North NRD, the Pappas-Missouri River NRD, and the Lower Niobrara NRD by initiating the integrated management planning process with the Department of Natural Resources. This planning process,

which results in the joint adoption of Integrated Management Plans, is required in areas of the state that have been designated as fully or over-appropriated by the department. IMPs have been developed in those areas through joint efforts between the Department and the 10 NRDs that have such designations. Recent changes in state statutes provide a process for the development of

IMPs before a designation of fully appropriated by the department. IMPs are the blueprint approach to hydrologically face and ground single res joint plans department NRDs will together state management with approach allocated and

## SPNRD board hosts public hearings on water issues

SIDNEY — State and local natural resources officials are preparing to hold public hearings on various regulations regarding water management within the South Platte NRD. Under requirements of the Nebraska Ground Water Management and Protection Act (LB962), the state's natural resources districts with areas designated as fully- or over-appropriated are required to work with NDNR develop integrated management plans to manage the state's ground water and surface water resources.

On June 20, 2008, South Platte NRD chairman Keith Rexroth and Nebraska Department of Natural Resources then acting director Brian Dunnigan (appointed director in late 2008) exchanged letters of agreement approving the District's Integrated Management Plan (IMP). The IMP became effective on July 20, 2008. When making the initial approval, officials knew provisions in one section would be revisited once a basin-wide plan was approved. The District's IMP went into effect in July

2008, but final approval of Section 9, which covers the District's over-appropriated areas, has to wait until the Basin-Wide Plan is approved. The District's over-appropriated area includes areas along Lodgepole Creek, a small portion of northeast Cheyenne County and the South Platte Valley. The South Platte NRD board and NDNR officials are now reviewing the Basin-Wide Plan for the Overappropriated Portions of the Platte River and

See SPNRD, page 5

# Water management progress

## FROM THE GOVERNOR



Heineman

We are blessed to live in a state with abundant water resources. However, there are times when the state experiences flooding or drought conditions. When

we are stressed, always looked for solutions. In we look for ways water resources occurs neighbor and help each

ed 10 years since Nebraska Ground Water Management and Protection Act. The last significant progress in surface water and water resources through an integrated management planning process. The Nebraska Department of Natural Resources partnership with local natural resources districts work to develop integrated plans. This process to develop practical solutions to water challenges. Nebraska Department of Natural Resources and local natural resources districts work together in areas like the Platte River Basin and the Lower Platte River Basin to turn what was thought were insurmountable challenges in 2004 into success stories in less than a decade. This collaboration illustrates that when Nebraskans work together we can solve our problems.

water challenges emerge. This process of proactive evaluation has been significantly advanced by the Nebraska Department of Natural Resources and local natural resources districts as demonstrated by their efforts to upgrade groundwater models, data, and hydrologic tools to support future wise water management decisions.

Over the past several years, modifications have been made to LB962 including provisions requiring the Nebraska Department of Natural Resources to forecast water supplies in the Republican River Basin. This forecast provides local natural resources districts a critical piece of information that they need to proactively manage the groundwater resources to address potential interstate compact shortfalls before they happen.

Another important modification has been the inclusion of provisions for a voluntary integrated management planning process. To date, eight natural resources districts have chosen to voluntarily initiate the integrated management planning process. With these eight districts, in addition to the ten natural resources districts with required integrated management plans, over three-fourths of the natural resources districts within Nebraska are now participating in the integrated management planning process. Our farmers and ranchers

continue to do their part in water management through improvements in efficiencies and technologies in how water is used. Farmers continue to make significant strides in implementing new irrigation technologies such as monitoring real-time soil-water moisture and water application.

Most recently, I signed LB1098 into law increasing the membership of the Natural Resources Commission and providing guidance for the governance of a new fund, the Water Sustainability Fund. I appointed eleven new Commission members representing a variety of water interests on May 15, 2014, increasing membership from 16 to 27 members.

The goals of the Water Sustainability Fund are (1) to provide financial assistance to programs, projects, or activities that increase aquifer recharge, reduce aquifer depletion, and increase streamflow, (2) to protect against threats to our drinking water, (3) to provide increased water productivity and enhance water quality, and (4) to assist in continuing to meet our compliance obligations under interstate compacts and agreements.

The Water Sustainability Fund was provided \$21 million of state funds on July 1, 2014, and \$11 million of state funds will be transferred to the fund each year thereafter.

The foundation of integrated water management plans, sound science, and funding has set Nebraska on a very bright path for ensuring that our water resources will be effectively managed now and into the future.

# New funding gets water projects

THE ASSOCIATED PRESS  
After struggling through major droughts and legal battles over water rights, Nebraska is moving forward with an effort to keep the state's water drinkable and abundant. The Nebraska Natural Resources Commission tapped the state's new water sustainability fund for the first time in April, awarding nearly \$11.5 million to 16 projects throughout the state. The next round of applications runs July 16-31. Lawmakers created the fund in 2014 and approved an initial \$29 million investment, followed by \$11 million a year, to help local governments deal with floods, water shortages and water quality issues. They also expanded the Nebraska Natural Resources Commission from 16 to 27 members, adding gubernatorial appointees to represent

present cities, agriculture, power districts and other interested groups. In the initial round of funding, several local natural resources districts received money to create more detailed maps of their groundwater. The North Platte Natural Resources District was given \$900,000 to buy out farmers who irrigate their crops after the Scottsbluff area overused its share of water. The largest grant, \$4.4 million, will help Hastings with a project to clean nitrates out of the city's groundwater supply. The nitrate concentration in the city's aquifer has surged in recent years and is now coming close to the state and federal limits of 10 parts per million, said Steve Cogley, a spokesman for Hastings Utilities.

Without the money, Cogley said the utility would have to raise water rates beyond the 12 percent increase that was approved earlier this year. And the project — the first of its kind in Nebraska — could serve as a template for other cities with similar problems. "The knowledge we gain will be very applicable to other communities, and we're more than willing to share that information," Cogley said. "We aren't looking for the Natural Resources Commission to take us off the hook for our responsibilities. But we are looking for partners that might benefit from the information."

The Hastings project would have been "extraordinarily hard for the city to finance on its own," said Commissioner Don Batie, a Lexington farmer.

the water fund, Omaha is expected to receive a 10 percent cut each year for its \$2 billion sewer system overhaul. "The commissioners recognized that this was going to be a challenge, and they worked hard to ensure there wasn't an urban-rural split," said Rex Gittins, the state's natural resources administration director. Still, the commission has faced some contention. Commissioner Jim Thompson of Omaha said he was

Sarpy County dam project within that district wasn't approved. "It was mind-boggling, in my opinion," he said. Commission Chairman Kevin Fornoff said members didn't approve some of the proposals because applicants didn't answer all of the commission's questions, but they're free to reapply. Now that applicants have seen how the process works, he said he expects more will win approval when the next round of funding becomes available.

# Colorado, Kansas, Nebraska come to Republican River Compact agreement after years of litigation

News FOLLOW NEWS | Sep 11, 2016

Lawsuits filed by Central Nebraska Public Power and Irrigation District against five Nebraska natural resource districts have been dismissed. Lincoln County District Judge John P. Murphy dismissed two of the lawsuits against the Twin Platte and Tri-Basin NRDs on Feb. 23. Similar lawsuits against the Central Platte, South Platte and North Platte NRDs have been dismissed in other district courts. "What it amounts to was that they didn't get what they wanted," said Twin Platte NRD general manager Kent Miller. The Twin Platte NRD serves Lincoln County and the surrounding counties. Prior to 2004, the regulation of surface water and ground water was done by two separate agencies. Ground water was regulated by NRDs, surface water by the state Department of Natural Resources. In 2004, the Nebraska Legislature passed legislation requiring integrated management

of surface and ground water. "Before 2004, we did not take into consideration the impact ground water on surface water," Miller said. IMP process sparks many public hearings. Integrated management plans (IMPs) made sense, Miller said, and beginning in 2004 IMPs were developed by individual NRDs, plus all NRDs working together were required to develop a Platte River Basin-wide IMP. This five-year process involved many public hearings, listening to those impacted by water regulation, known as stakeholders. "The lawsuits against the NRDs were unnecessary and pointless from the very beginning and it's unfortunate that taxpayer dollars had to be spent defending them," said Dean Edson, executive director of the Nebraska Association of Resources Districts in a press release this week. "NRDs have taken the proper actions in accordance with state law by working

## Back to work

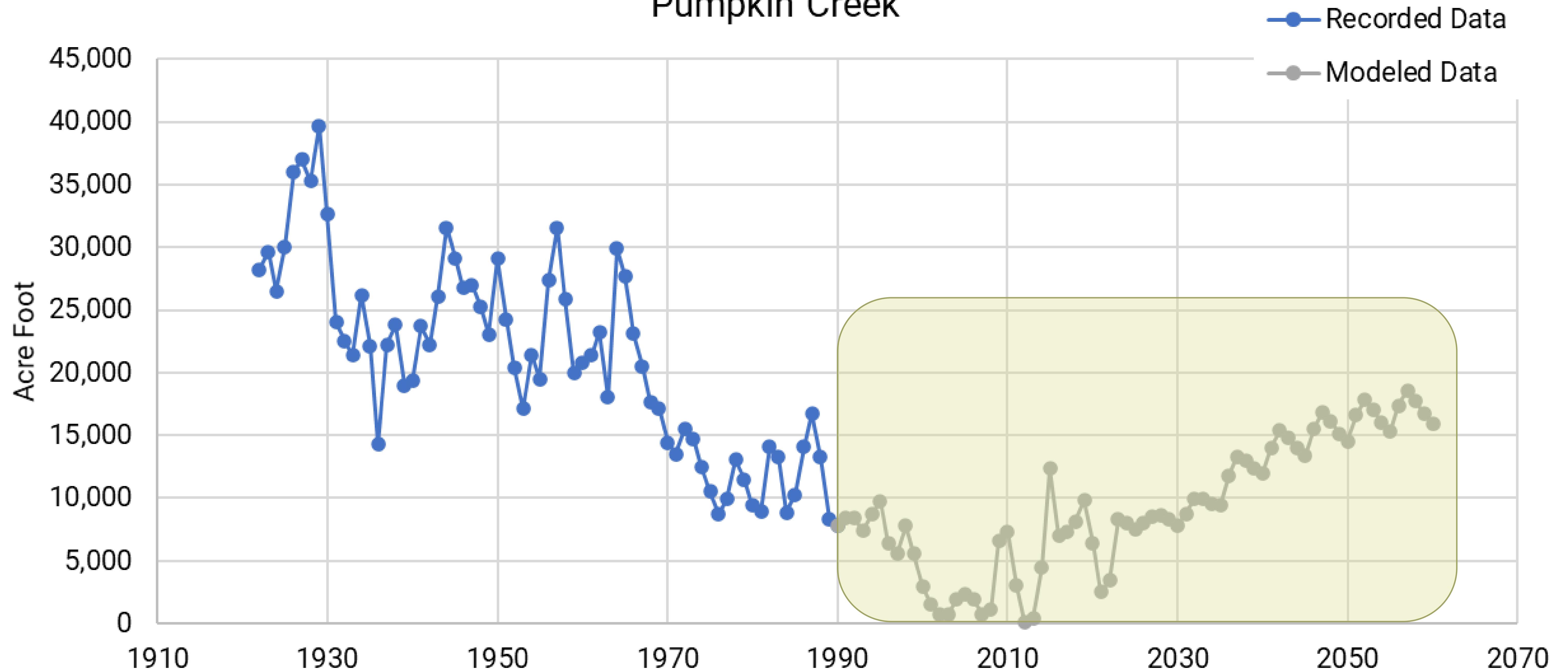
With the lawsuits behind them, NRDs are back to work implementing their IMPs. "The plans have 10-year benchmarks," Miller explained,

those benchmarks could trigger regulation of water users. "Going to regulations is ominous and we are doing everything we cannot to," Miller said. "If users have to reduce their consumptive use, well, that's an impact we don't want to cause to producers and to this area." Less water use means less corn production, Miller noted. "We need to protect this agriculture economy here," he said. "We are continuing to work on the integration plan and we think we will be successful." Click on this story at nptelegraph.com to post your comments, or e-mail diane.wetzel@nptelegraph.com.



# Pumpkin Creek Now

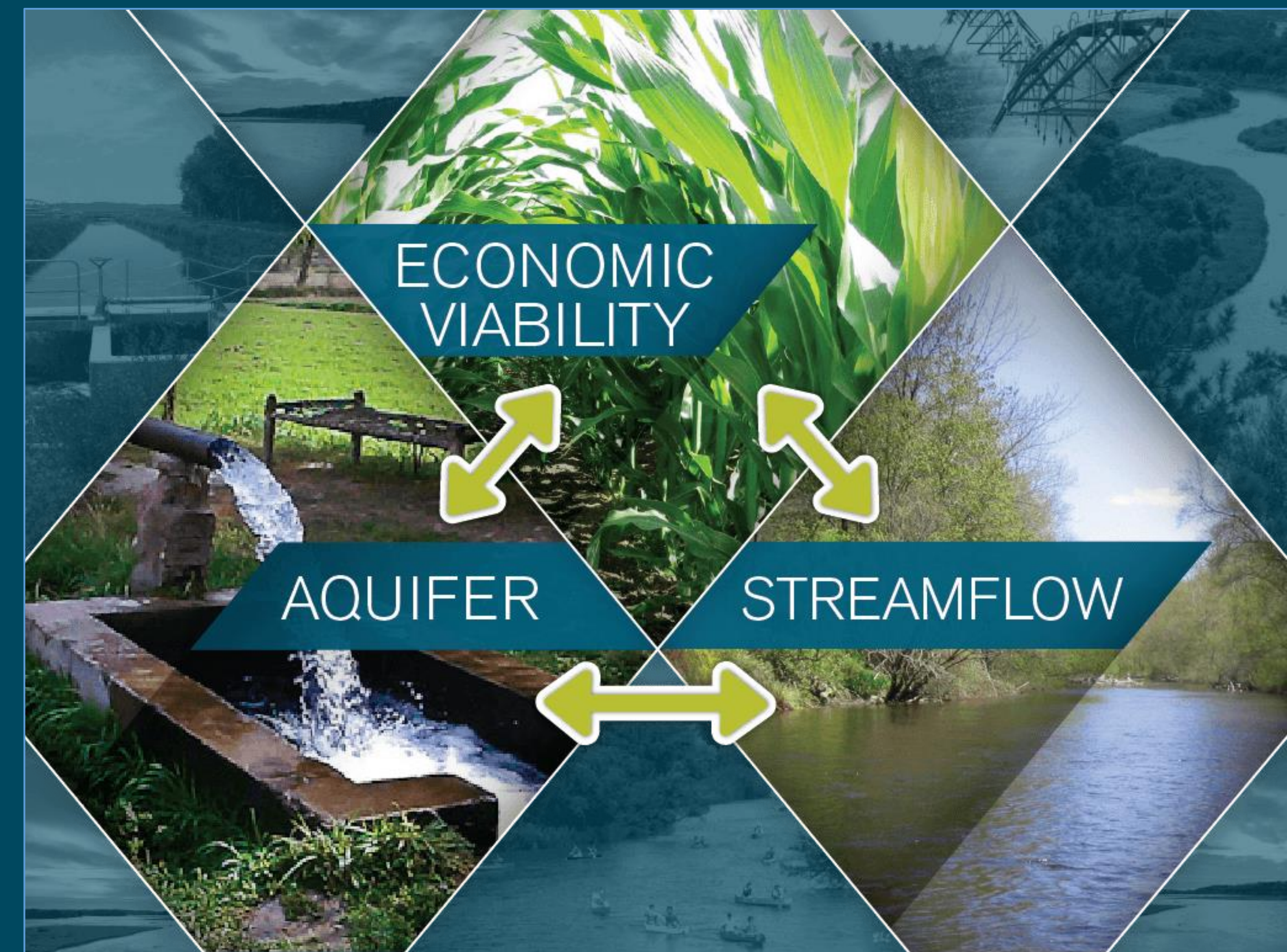
Pumpkin Creek





# Looking into the Future...

- Nebraska needed a way to defend its water future and LB 962 created that framework...
- Nebraska is now the envy of the nation and world in how we collaboratively manage our water resources
- We need to remain vigilant in areas like the Republican River and Upper Platte River systems
- We need to be looking for opportunities to further optimize our water use (technologies for producers, efficiencies, water infrastructure etc.)
- We need to continue to look for opportunities to leverage funding resources through other water related programs... soils, water quality, climate resilience
- **We now have a solid foundation to play offense!**





NEBRASKA

Good Life. Great Water.

DEPT. OF NATURAL RESOURCES

THANK YOU

Jesse Bradley, Deputy Director

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[dnr.nebraska.gov](http://dnr.nebraska.gov)

