



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: April 13 NARD UPDATE

Republican River Basin Water Bill Advances – State Senators advanced LB 701 to Select File on a 38-1 vote this week after two days of healthy debate on the four divisions of the bill. Senators also advance the related appropriations bill, LB 701A, on a 36-0 vote.

The bill was advanced after 4 separate divisions of the bill were approved. All four core components of the proposal remain intact. These divisions include:

- **First Division -- Bonding Authority for NRDs** -- The bill includes the authority for NRDs in the Republican Basin to lease or acquire surface and ground water rights in the basin and divert the water from irrigation to enhance stream flows. The NRDs would have the authority to issue bonds to pay for the projects. Funding sources for repayment of the bonds could come from up to a 10-cent property tax and up to \$10/acre fee on irrigated acres. This division also included extension of the 3 cent levy authority for NRDs in fully and over-appropriated areas from 2008 to 2012. One amendment was adopted that would sunset the bonding authority for new projects after 15 years. This division was approved 36-0 with 11 not-voting and 2 excused and not voting.
- **Second Division -- State Funding for Water Programs, LB 322** – The provision is Governor Heineman's proposal to establish a Water Resources Cash Fund to be administered by DNR to comply with interstate water compacts and conserve water in fully and overappropriated basins. The provision of the bill appropriates \$2.7 million per year to the Water Resources Cash Fund. After October 1, 2012 and until October 1, 2019, a ½ cent/bushel check-off on corn will be imposed and directed to the Water Resources Cash Fund. NRDs could access money from the fund with a 40 percent match requirement. Any district that would use these funds would be required to submit a report of its planned activities. One amendment was adopted to increase the check-off from ½ cent to 6/10ths of a cent. Amendments to increase funding for stormwater, and add sales tax on bottled water which would be directed toward water programs, were dropped before consideration.

This division also included \$3 million for the current fiscal year to be appropriated to the state Department of Natural Resources to negotiate leases on surface water rights in the Bostwick Irrigation District.

This division was approved 39-0 with 9 not voting and 1 excused and not voting.

- **Third Division -- Water Management Changes of LB 295** – This bill was already on Select File and makes a number of changes at the request of the Nebraska Department of Natural Resources, including 1) Adds U.S. Bureau of Reclamation on the list of entities which may have appropriations terminated for nonuse. 2) Clarifies that no person shall use a water well for purposes other than its registered purpose until the water well registration has been changed to the intended new use. 3) Provides an exception so that a person may use a water well registered for purposes other than its intended purpose for a de minimis use for livestock, monitoring, observation, or any other non-consumptive use approved by the applicable natural resources district.

This division also included language that will require DNR, in consultation with the effected natural resources district, to do an annual determination in fully and over-appropriated basins, starting January 1, 2008, and every January 1 thereafter, to estimate the maximum amount of water that may be available from stream flow for a beneficial purpose in the short and long-term. The language would not be an "order" by the department, rather only a forecast developed by DNR and the affected NRDs.

Finally, this division allows NRDs to impose a temporary well drilling moratorium without a notice or hearing, but requires a hearing within 180 days. Similar language is included allowing DNR to impose a temporary 180-day stay on new surface water natural-flow appropriations in areas where a natural resources district has imposed a temporary 180-day stay on new well construction and the addition of new irrigated acres.

This division was approved 35-0 with 14 not voting.

- **Fourth Division -- Vegetation Management Provision of LB 458** – The amendment creates a 13-member Riparian Vegetation Task Force consisting of the Governor, state agencies, NRDs and a riparian landowner from each of the state’s congressional districts. The task force would sunset on June 30, 2009. One amendment was adopted to add a representative from the Nebraska Environmental Trust Fund to the task force.

This division was approved 39-2 with 6 not voting and 2 excused and not voting.

After the fourth division was approved, the entire package and related appropriations bills were advanced to Select File. A Select file amendment will be drafted to address concerns raised during debate. These include:

- Clarify that if one source of water is purchased from an irrigator, that user can not use a second source of water on that tract.
- Clarify that the Attorney General’s Office has oversight and enforcement powers on interstate compact compliance.
- Add language to make it clear that the forecast by DNR and NRDs on water availability and use is only a forecast.
- Clarify that political subdivisions outside of the Republican Basin can not participate in the interlocal agreements for bonding purposes.
- Clarify that herbicides used for vegetation management follow label requirements for application.
- Clarify the representation from the Nebraska Environmental Trust Fund.
- Clarify that groundwater can be leased.
- Clarify reporting dates for use of funds from the Water Resources Cash Fund.
- Correct internal references in the bill.

The bill should be up for Select File debate next Wednesday or Thursday.

NRD Co-sponsors Joint Effort on Tree Planting -- More than 1,200 Boy Scouts, Cub Scouts and Venture Crew members from four states planted 15,000 tree seedlings during the 18th annual Fort Robinson Fire Recovery tree-planting event last weekend. Scouts from Colorado, South Dakota, Wyoming and Nebraska arrived at Fort Robinson State Park to participate in the event. The U.S. Forest Service and Bessey Nursery grew the 15,000 ponderosa pine seedlings for distribution by the Nebraska Association of Resource Districts and the Upper Niobrara-White Natural Resource District.

Natural Resources Leader Passes – Wayne “Buster” Davis succumbed to a very long battle with cancer on April 8, 2007. Wayne was involved with the Upper Niobrara White NRD as a director and has served on the Natural Resources Commission. Wayne rarely passed an opportunity to participate in local, state and national meetings where he could share and learn more about protecting and enhancing natural resources in Nebraska. His contributions will be greatly missed. He is survived by his wife of 52 years, Iris of Hay Springs, daughters Carol and John Lewin, Marcia and Steve Sandberg, both of Hay Springs, 3 grandchildren, 1 great grand child and a sister, Marion Scott of Rushville.