



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

601 S. 12th St. Suite 201
Lincoln, NE 68508
Web: www.nrdnet.org
Email:
nard@nrdnet.org

January 13, 2006

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

Groundwater Irrigators using Less Water – Despite the on-going drought in 2005, NRD reports are showing that groundwater irrigators are using even less water than their allocations. More information below.

Middle Republican NRD Average Water Use is 8.8 inches

Irrigators in the Middle Republican NRD have reduced their ground water usage to an average of 8.8 inches in 2005, reported Manager Dan Smith at the District's recent board meeting. Groundwater irrigators used 30% less water than their allocation for the year. This amounts to 109,500 acre-feet less than what was allocated for 2005. Compared to other years, ground water irrigators used 151,300 acre-feet less than what was used in 2004 and 399,000 acre feet less than water used in 2002, Smith added.

Upper Republican NRD Doing Its Part

Tabulation of meter readings indicate irrigation withdrawals in the Upper Republican NRD were 15% below the amount allocated which equate to irrigators using about 78,500 acre-feet less than their allocation (13.5 acre-inches) in 2005. Irrigators in the Upper Republican NRD average 11.4 inches of irrigation per certified acre.

North Platte NRD meets with Governor Heineman to discuss water issues

Governor Heineman gained a better understanding of western Nebraska's water issues after meeting directly with the area's water managers on Tuesday (January 10, 2006) in Scottsbluff. The meeting, arranged by the North Platte NRD, included managers from local irrigation districts, members of the NRD Stakeholders group, NRD directors, and Senators Adrian Smith and LeRoy Loudon. The group presented Heineman with an outline of practices and efforts the district has been taking since the mid 1990s. "...allocations for the Pumpkin Creek Groundwater Management Sub-area in Banner and Morrill Counties have been set at 14 inches for the past two years. However, water users in that area limited themselves to an average of 7.9 acre inches used during the 2005 season."

NRD Latest – Visit the Nebraska Association of Resources Districts website at www.nrdnet.org and follow the "What's New" link for district news updates and updated information. Above are some stories of interest. For the complete story and more information, visit the website.

Governor gives State of the State address – Governor Dave Heineman presented his State of the State address to the Legislature on Thursday of this week. The governor touched on several key issues including his tax relief proposal for \$421.5 million, eliminating some sales tax on certain goods and services, and alleviating property taxes by investing \$174 million in state aid to schools. The governor recognized the senators who are serving their last terms due to term limits and thanked them for their years of service. The governor informed the senators that water issues would be one of the most pressing issues of the session, "Water is Nebraska's issue of the decade," Governor Heineman said in his speech. His budget proposal, LB 1060, calls for \$3.2 million to be directed towards water management projects in western Nebraska.

LB 1060 (*Speaker Brashear, at the request of the Governor*) Provide for deficit appropriations and transfers of funds

Legislative Bill 1060 outlines several of Governor Heineman’s budget recommendations. This legislation specifically recognizes the changes in funding from the budget passed last year as LB 425. Below are the changes of interest to the Natural Resources Districts.

Agency 29 – Department of Natural Resources

<i>Program No.</i>	<i>LB 1060</i>		<i>LB 425</i>		Difference
	FY 2005-2006	FY 2006-2007	FY 2005-2006	FY 2006-2007	
310 – Water Resource Development					
General Fund	7,506,077	3,251,540	7,505,032	0	
Program Total	7,506,077	3,251,540	7,505,032	0	\$3,251,540
Salary Limit	142,756	312,500	142,756	0	
Program Total	3,049	6,484	1,030,958	1,048,265	
Salary Limit	0	0	313,086	329,051	

New Bills –Items of interest for the Natural Resources Districts include:

LB 971 (*Schrock, Stuhr*) Change tax levy provisions for natural resources districts

This bill would allow Natural Resources Districts to charge an extra 3 cents per \$100 tax value in property taxes to manage water use in river basins declared fully or over appropriated. The funds could be used to fund several management techniques, such as regulating wells, the amount of water used or the number of acres irrigated. The money could also be used for informational studies.

LB 975 (*Natural Resources Committee*) Change provisions of the Livestock Waste Management Act

This bill amends the Livestock Waste Management Act in response to a 2nd Circuit Court of Appeals decision which impacted the portions of the federal CAFO rule. LB 975 eliminates the requirement that all large animal feeding operations need an NPDES permit and institutes a state construction and operating permit program.

LB 977 (*Schrock, Connealy*) Change motor fuel tax rates

LB 981 (*Thompson, Brown*) Modify public records statutes to include geographical information systems data

This bill clarifies that Geographic information systems data bases and data files developed and operated by a state agency or a political subdivision are public records and are available to the public if requested. The holder of such records may require that any person obtaining a copy of the records sign an agreement prohibiting them from reselling or using the data for trade or commercial purposes. If the request discloses that the information is to be used for trade or commercial use, the bill would allow the supplier of the information to impose reasonable fees for the reproduction of the record. Exempted commercial uses include news media and real estate trade associations or multiple listing services operated by a real estate trade association.

LB 997 (*Beutler*) Authorize income tax credits for donations of perpetual conservation easements

This bill is very similar to LB 472 introduced last year however indefinitely post-poned by committee. The bill creates income tax credits for perpetual conservation easements. The tax credit would be a maximum of 50% of the land value placed in the easement. The Department of Natural Resources would approve applications for the tax credit and submit the approved amount to the Department of Revenue.

At a minimum, the perpetual conservation easement shall (i) Preclude any pumping of water except for domestic purposes, including stock well purposes, and except for restoration of wetlands; (ii) For easements in areas described in subdivisions (2)(a) and (iii) of this section, prohibit new commercial, industrial, and residential development and

agricultural uses that include confined livestock feeding operations, mining, logging, or cropping and destruction of wildlife habitat, native plant communities, or historical sites. This subdivision shall not be construed to prohibit hunting, fishing, or ecotourism; and (iii) be in perpetuity.

The easements would be targeted toward the areas as follows: 1) Areas of water shortages, 2) Along the Niobrara Scenic River, 3) Areas identified by the Nebraska Game and Parks as habitat for endangered species, 4) Areas identified by the Game and Parks Commission as native prairie or with other ecological significance. The Department of Natural Resources shall approve at least ten percent of the total dollar amount of all applications from each priority group.

LB 1051 (*Schrock*) Exempt tangible personal property from property tax

This bill exempts from taxation any tangible personal property.

LB 1076 (*Kremer*) Change the Nebraska Environmental Trust Board membership

LB 1077 (*Schrock*) Appropriate funds to the Department of Natural Resources

LB 1077 appropriates \$10 million dollars from the states General Fund for FY2006-2007 to the Department of Natural Resources to be used for funding the duties of the NRDS under the Nebraska Ground Water Management and Protection Act to carry out an interrelated water management plan program.

LB 1097 (*Schrock*) For an act relating to storm water; to create the Storm Water Management Plan Program

LB 1097 creates the Storm Water Management Plan Program to function as a grant program to fund projects for cities for the federal Clean Water Act regarding storm water runoff under the National Pollutant Discharge Elimination System requirements. The program will be administered by the Department of Environmental Quality using funds appropriated for the program. The Environmental Quality Council will develop guidelines and limitations for the grant applications.

LB 1098 (*Schrock*) For an act relating to chemigation

NARD Bill

The bill would change the requirements for irrigators to get chemigation permits, install chemigation safety equipment and have that equipment regularly inspected by NRD personnel to insure that it is fully functional whenever any substance other than water is intentionally injected into irrigation distribution systems that are directly connected to waters of the state.

Livestock waste water and other products applied to the field directly and not connected to a groundwater source would not need a chemigation permit and related equipment.

LB 1099 (*Schrock*) For an act relating to irrigation to change water reuse pits definitions

NARD Bill

The bill clarifies that groundwater irrigation reuse pits are not subject to a surface water right.

The bill also eliminates interpretive definitive language on intermittent streams and replaces it with a standard used United States Geological Survey in their topographic quadrangle maps.

NARD Legislative Conference – The NARD Legislative Conference will be at the Embassy Suites in Lincoln on January 24 & 25. NRD Delegates will discuss and take positions on the legislative bills pending before the Unicameral. Over 350 individuals involved in protecting the states natural resources are expected. Participants include Natural Resources Districts Board members, managers, and employees. Also involved are Natural Resources Conservation Service employees along with other state agencies. Conference highlights include a Tuesday night reception for senators to visit with conference attendees, and informational sessions provided by different agencies. Sessions include discussion of pending legislation, updates on both state and federal conservation programs and current projects which NRDs have undertaken. For registration information visit www.nrdnet.org or contact the association office.

Hearings Next Week

Tuesday, January 17

Agriculture Committee Room 2102, 1:30 p.m.
LB 874 Change provisions of the Pesticide Act

Wednesday, January 18

Natural Resources Committee, Room 1525, 1:30 p.m.
LB 933 Change provisions relating to water resources
LB 805 Create the Interrelated Water Management Plan Program
LB 930 Establish a water conservation fee and provide for its use

Thursday, January 19, Room 1525, 1:30 p.m.

Natural Resources Committee, Room 1525, 1:30 p.m.
LB 792 Provide for the Game and Parks Commission to acquire property in the city of Bassett
LB 818 Provide for the use of tires as safety barriers
LB 870 Change scrap tire grant provisions

Friday, January 20, Room 1525, 1:30 p.m.

Natural Resources Committee, Room 1525, 1:30 p.m.
LB 872 Provide for emissions trading programs under the Environmental Protection Act
LB 871 Change duties of the Environmental Quality Council relating to permits for solid waste management
LB 776 Change requirements relating to the disposal of yard waste

Government Committee, Room 1507, 1:30 p.m.

LB 883 Rename the County Industrial Sewer Construction Act and provide for residential sewerage development

The Legislature will not be in session on Monday January 16, 2006 in recognition of Martin Luther King.