



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: February 1 NARD Update

NARD Legislative Conference – The NARD Legislative Conference will be at the Embassy Suites in Lincoln on February 4 & 5. NRD Delegates will discuss and take positions on the legislative bills pending before the Unicameral. Over 350 individuals involved in protecting the state's natural resources are expected to attend. Participants include Natural Resources Districts Board members, managers, and employees. Also involved are various state and federal resources agencies. Other conference highlights include a Tuesday night reception for senators to visit with conference attendees, and educational and informational sessions provided by different agencies. For meeting information visit www.nrdnet.org or contact the association office.

2007 Water Programs Summary Report. The 2007 Water Programs summary report is completed and can be accessed on the NARD webpage at www.nrdnet.org. The summary report provides up-to-date information on all 23 local Natural Resources Districts' water management activities.

2008 NRD Technician Certification Training and Water Programs Conference. The 2008 Natural Resources Ground Water Technician Certification Training and Water Programs Conference are scheduled for March 3rd and 4th at the Kearney Holiday Inn. The training class is free to all NRD employees but the charge for certification is \$53, payable to the NE Dept. of Health and Human Services by **February 18th**. The cost for the Water Programs conference is \$65 payable to the NARD. Both the technician training and conference are valid for CEU credits. Online registration is available at www.nrdnet.org.

Nebraska Unicameral Action

Hearings this week

Ethanol Tax – Three bills were discussed this week by the Revenue Committee that would impose an excise tax on ethanol production. Senator Stuthman introduced LB 881 which proposes a 3 cent/gallon tax that would go to road funding. Senator Burling introduced LB 946 which proposes a 2 cent/gallon tax for water programs. Senator Loudon introduced LB 1040 which proposes a 2 cent/gallon tax for water programs. Both LB 946 and 1040 would have eliminated the grain check-off scheduled to go into place in 2013 for water programs. No action was been taken on these bills this week.

Hearings next week

Tuesday, February 5, 2008 -- Agriculture Committee; Room 2102, 1:30 PM

- **LB 751 -- Change noxious weed funding provisions relating to stream vegetation removal. Senator Christensen.** The bill expands the area qualified for riparian vegetation management in fully and overappropriated streams from 100 feet to 1,320 feet of the banks of a channel of any natural stream.
- **LB 862 -- Change noxious weeds funding provisions. Agriculture Committee.** The bill proposes to increase funding to the Noxious Weed and Invasive Plant Assistance Fund, which is used to assist county weed programs. On or before October 1, 2008, \$200,000 would be transferred from the Commercial Feed Administrative Cash Fund to the Noxious Weed and Invasive Plant Species Assistance Fund. Beginning January 1, 2009, 2 cents of the existing 10

cent/ton commercial feed inspection fee would be transferred to the Noxious Weed and Invasive Plant Fund. Finally, 25 percent of the sale price of each Weeds of the Great Plains book sold by the Department of Agriculture would be credited to the Noxious Weed and Invasive Plant Species Assistance Fund.

Wednesday, February 6, 2008 -- Natural Resources Committee; Room 1525, 1:30 PM

- **LB 798 -- Change provisions relating to irrigation water reuse pits. Senator Louden.** Changes the definition of a headwater segment of a natural stream to an ephemeral natural stream which would be exempt from state storage and use permits. The definition is further refined as that portion of a natural stream in which water flows only after a precipitation event or when augmented by surface water runoff caused by the pumping of ground water for irrigation. That portion of a natural stream that is shown as an intermittent stream on the most recent United States Geological Survey topographic quadrangle map published prior to the effective date of this act shall be considered an ephemeral natural stream unless the Department of Natural Resources has investigated the stream and determined that the stream or a reach of the stream is perennial or intermittent and subject to Chapter 46, article 2. The department's determination for the purposes of this section shall be adopted and promulgated in rule or regulation.
- **LB 799 -- Change provisions relating to applications to permit transfer of water appropriations. Senator Louden.** Allows for a transfer of surface water for irrigation when there is a change in the point of diversion which meets the following requirements: (i) The new point of diversion is on the same named stream, the same tributary, or the same river or creek as the approved point of diversion; (ii) the proposed point of diversion will not move above or below an existing diversion point owned by another appropriator; and (iii) the proposed point of diversion is not above or below a tributary stream or a constructed river return or a constructed drain.
- **LB 800 -- Change intentional underground water storage permit provisions. Senator Louden.** Allows for all intentional underground water storage projects to charge a fee for withdrawal of water. Existing law prohibits projects existing on August 26, 1983 from charging a fee.
- **LB 801 -- Add a requirement for integrated management plans. Senator Louden.** The bill would require integrated management plans developed for fully and/or overappropriated basins to prevent or offset any increased depletion to the stream resulting from the removal of a surface water appropriation from a tract of land by an adjudication, voluntary relinquishment, or transfer when the land continues to be served by a ground water well.

Wednesday, February 6, 2008 -- Appropriations Committee; Room 1003, 1:30

- **LB 1150 -- Appropriate funds to the Department of Natural Resources. Senator Langemeier.** Increases the funding for the Nebraska Resources Development Fund from \$3,373,066 to \$7,000,000.
- **LB 1161 -- Appropriate funds to the Department of Natural Resources. Senator Karpisek** Appropriates \$100,000 from the General Fund for FY2007-08 to the Department of Natural Resources, to contract for an environmental study to consider the impact of placement of a flood control dam on the Blue River near Crete.

Thursday, February 7, 2008 -- Natural Resources Committee; Room 1525, 1:30

LB 924 -- Provide for streamflow depletion offsets. Senator Fisher. The bill modifies several statutes relating to water management. It makes five major changes: First, it establishes a clear procedure for natural resources districts to follow to quantify gains to stream flows by integrated

management plans or programs, and acquisition of existing groundwater or surface water uses on a permanent or temporary basis. Second, it modifies the state endangered species act to more closely resemble the federal act. Third, when applying for an instream flow right, the changes would require the Nebraska Game and Parks Commission and the Natural Resources District to agree on an application prior to filing the application with the Department of Natural Resources, no matter which entity initially is seeking the flow right. Fourth, it changes the annual river basin determination procedure by requiring the Department of Natural Resources to review existing surface water rights nonuse prior to the department making a preliminary conclusion that a river basin, subbasin, or reach presently is fully appropriated. If the right as been forfeited or abandoned, the rights would be adjudicated under section 46-229.02. Finally, the bill eliminates the reference all other applicable state or federal laws for the department to consider for determining whether a basin, sub-basin or reach is fully appropriated.

- **LB975 -- Change provisions relating to river-flow enhancement bonds. Senator Wightman.** The bill clarifies limitation of groundwater pumping on acres where surface water has been leased that was passed last year in LB 701. The bill clarifies that the limitation is on the specific acre that was served by the leased or purchased water. It also outlines limitations when groundwater is purchased or leased. The bill outlines four situations and incorporates the changes needed to address the concerns of the existing language as follows:
 - a) Single year NRD groundwater or surface water leases.
 - b) Multiyear NRD groundwater or surface water leases.
 - c) Single year State of Nebraska groundwater or surface water leases.
 - d) Multiyear State of Nebraska groundwater or surface water leases.

Finally, a variance procedure is provided to allow for a landowner to rotate irrigated acres while maintaining the reduction in use.

- **LB 1041 -- Protect certain water purchased or leased for river flow enhancement. Senator Christensen.** Surface water or ground water purchased or leased by the state, or purchased or leased for river-flow enhancement purposes by a natural resources district described in section 2-3226.01, shall be fully protected and accounted for by the Department of Natural Resources from the point of diversion to the intended destination or use of such purchased or leased water, except for normal carriage loss.

On the Federal level

Platte River Cooperative Agreement -- The Senate Energy and Natural Resources Committee yesterday approved legislation to implement the federal share of the Platte River recovery implementation plan. S. 752 – passed out of the committee as HR 1462 - will authorize the Secretary of Interior to proceed with the program and includes \$157 million to carry it out. The cost will be shared 50/50 by the states and federal government. Through the program the states will provide benefits for the endangered and threatened species as well as land, water, and scientific monitoring and research to evaluate benefits of the program. The sponsors of the legislation include United States Senators Ben Nelson, Wayne Allard, Ken Salazar and Chuck Hagel. They all applauded the committee’s action as a major step toward final passage of the bill. In late 2006 the Governors of Nebraska, Colorado, and Wyoming and the Department of Interior signed the final program agreement after working together since 1997 to develop a recovery plan that benefits certain species yet allows continued water use and development along the Platte.