

DNR ISSUES STAY ON NEW SURFACE WATER APPROPRIATIONS IN THE LOWER LOUP NRD

Earlier this year, the Lower Loup Natural Resources District Board of Directors approved a temporary stay on the issuance of new permits for groundwater wells that pump 50 gallons or more per minute. Now, the Nebraska Department of Natural Resources (DNR) has adopted a similar stay on the granting of new surface water rights for irrigation.

Effective September 15, 2006, DNR placed a temporary stay on the issuance of any new surface water natural flow appropriations for irrigation in the Lower Loup's groundwater management area. Because the groundwater management area encompasses the entire district, there will be no permits issued anywhere inside the NRD boundaries.

In the order for the temporary stay, Acting DNR Director Ann Bleed said "imposing a temporary stay on the issuance of new surface water appropriations will allow the Department and the LLNRD time to study the situation without concerns that the situation will worsen during the course of the study underway." Both the Lower Loup and DNR are involved in work on the Elkhorn-Loup Modeling (ELM) Study.

The ELM Study is underway to collect and analyze data on the availability of the groundwater resource, the effect of man's water use on the availability and quality of the groundwater resource, and the interaction of the groundwater and surface water in the Elkhorn River and Loup River basins. The study is a cooperative effort between the Lower Loup, Upper Loup, Lower Elkhorn, Upper Elkhorn, Middle Niobrara, Lower Niobrara, Lower Platte North and Lewis and Clark NRDs, U.S. Geological Survey, Nebraska Department of Natural Resources, and UNL Conservation and Survey.

The stay does not prohibit irrigation districts, reclamation districts, public power and irrigation districts, rural water districts or mutual irrigation or canal companies from completing map transfers. Neither does it preclude surface water irrigators from increasing the amount of land they irrigate as long as they don't exceed the amount of water they are currently authorized.

The order also allows the DNR director to grant variances from the stay. Variances could be granted for good cause, such as public education and demonstration projects or for appropriations for surface water to supplement the water supply for land already irrigated.

Like the stay imposed by the Lower Loup NRD Board of Directors, the DNR stay will remain in effect until January 1, 2008.