

Agenda Item: 13.

Memorandum

To: Board of Directors

From: Brian Henkel

Date: March 10, 2013

Subject: Director Japp request-GWMP Regulations on Irrigation/Domestic Well Issues

The following is the response to Director Japp's request regarding District regulations when there is a conflict between a domestic user and an irrigator:

The District Groundwater Management Plan (GMP) has no direct provisions to address conflicts between domestic users of groundwater and irrigation groundwater users on a case by case basis. Conflicts between these groups have not historically been an issue for the District which is why the GMP didn't include direct provisions. The GMP does however include the goal of developing and expanding the rural water supply systems. Rural water systems are a good way of reducing the risk of conflict between users and the District has done a good job establishing and expanding those systems.

The District would need to establish a groundwater management area with a set of regulations in order to have the authority address any possible conflicts between groundwater users. Establishment of a groundwater management area to specifically address conflicts between groundwater users would need to be justified by enough evidence of conflict to warrant imposing regulations on groundwater users. A management area would also require additional study and public hearings prior to adoption. The management area would then need to be incorporated into the GMP and approved by the Nebraska Department of Natural Resources. It would be a lengthy process and would not be completed in time to address any conflicts that may occur this upcoming irrigation season. There is no authority given to the Districts in the Nebraska statutes to directly address conflicts without establishing a management area.

Even with a management area, it is very difficult to address individual cases of conflict. For many portions of the District the hydrogeology is complex and not very well understood, making it difficult to conclusively show impacts from irrigation use. Often times the easiest and best option is to drill a deeper well for the domestic user. During last year's drought, I received only a few calls related to conflicts and only one from an individual who thought they were being impacted. I did not see any actual cases of adverse impacts to domestic users from irrigation during last year's drought. I am available to assist anyone in the District that thinks they are being impacted by adjacent water users to try to help determine if there is an impact, the extent of the impact, and the best course of action to take to reduce any impact. I have communicated my availability to the District representatives in our field offices and to other government officials and elected representatives. Please direct any inquiries you receive regarding groundwater issues and the impacts of the drought to me and I will do my best to help answer any questions and try to help resolve any issues.