



# NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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August 25, 2006

TO: NARD Board and NRD Managers

FROM: Dean E. Edson, Executive Director

RE: RESOLUTIONS & Inactive Status Policies

Attached are two resolutions that were submitted to NARD by the August 24th deadline. Resolutions submitted after will need 2/3rds vote for further consideration. Also attached is a list of six (6) policies proposed for the inactive file by the NARD Legislative Committee. The list also includes the reasons for placing the policies in the inactive status.

The Legislative Committee reviews the book every year to make recommendations, if any, for delegate action at the annual meeting. Placing policies in the inactive status only removes them from the annual policy book and does not rescind them unless specifically noted and passed by the delegates.

## **Resolutions Submitted by the Deadline**

2006-1 – State Funding for Ethanol Facility Water Offsets, sponsored by the Tri-Basin NRD.

2006-2 – Basin Evaluation Every Five Years, sponsored by the Lower Elkhorn NRD.

## **NARD policies recommended by the Legislative Committee for inactive status:**

**#2005-5 Replacement Wells (on page 9 of the NARD Policy Book)** REASON FOR INACTIVE STATUS: Originally LB 1164 - Amended into LB 508, passed and signed into law by the Governor on 3-16-06.

**#2004-1 Water Well Decommissioning Fund Allocation Procedure (on page 10 of the NARD Policy Book)** REASON FOR INACTIVE STATUS: LB 508 passed and signed into law by the Governor on 3-16-06.

**#2001-4 Well Standards and Contracts Licensing Board (on page 10 of the NARD Policy Book)** REASON FOR INACTIVE STATUS: Originally LB 140 – Amended into LB 508, passed and signed into law by the Governor on 3-16-06.

**#1999-4 Nebraska Department of Health Certification of NRD Personnel (on page 11 of the NARD Policy Book)** REASON FOR INACTIVE STATUS: LB 133 passed and signed into law by the Governor in 2004 and the side-bar issues have been resolved with the Well Licensing Board.

**#2004-4 Annual Limits on Per Diem Payments to Board Members (on page 12 of the NARD Policy Book)** REASON FOR INACTIVE STATUS: LB 32 passed and signed into law by the Governor 3-22-06.

**#2005-1 Groundwater Irrigation Runoff (on page 23 of the NARD Policy Book)** REASON FOR INACTIVE STATUS: Originally LB 1099 – Amended into LB 508, passed and signed into law by the Governor on 3-16-06.

## ***NARD Resolution 2006-1***

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### **State Support for Offsetting Water Consumption by Ethanol Plants and Other New Industrial Water Uses Submitted by Tri-Basin NRD**

**Whereas** ethanol production utilizes corn and other renewable crop resources, reducing our nation's dependence on foreign oil resources; and

**Whereas** the State of Nebraska has established policies that encourage and provide incentives for new industrial development within the state because new industries benefit the economy of the state as a whole; and

**Whereas** state law mandates that ethanol plants and other new industrial water uses in the Platte and Republican River Basins must offset their new consumptive uses of water;

**Therefore be it Resolved** that the Nebraska Association of Resources Districts will support efforts to have state government work with NRDs to provide offsets for consumption of water by new industries established in Nebraska river basins that are designated fully or overappropriated by the Nebraska Department of Natural Resources.

## ***NARD Resolution 2006-2***

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### **Require DNR to Evaluate Basins Once Every Five Years Rather Than Annually Submitted by the Lower Elkhorn NRD**

- Whereas: The Nebraska Department of Natural Resources (DNR) must perform an annual evaluation of the long-term availability of hydrologically connected water supplies for both existing and new ground water and surface water uses in basins that have not been declared either fully appropriated or overappropriated, and must issue a report of their findings.
- Whereas: This evaluation is the basis for the state to declare any of these remaining basins to be fully appropriated.
- Whereas: §46-713 (d) states: "In preparing the report, the department shall rely on the best scientific data, information, and methodologies readily available to ensure that the conclusions and results contained in the report are reliable."
- Whereas: The hydrologic connection of ground and surface water, and the lag effect of ground water pumping on surface water supplies are poorly understood in much of the area that is evaluated by the DNR.
- Whereas: Studies are being conducted by Natural Resources Districts and the DNR, together with the U.S. Geological Survey and the Conservation and Survey Division, in the areas currently being evaluated by DNR, to improve the understanding of the hydrologic connection between ground and surface water, and the lag effect of ground water pumping on surface water supplies. These studies will take several years to complete.
- Whereas: The physical ground and surface water conditions that exist in these areas do not indicate an immediate need for any basin to be declared fully appropriated, and these conditions do not change significantly from year to year.
- Whereas: Either declaring, or not declaring, an area to be fully appropriated has wide-ranging consequences for the public and on water resources. The annual evaluation process has been a major factor for hastening the development of new irrigated acres in some areas of the state.
- Whereas: The purpose for this resolution is to give the DNR more time and information to understand the water budget of these basins so as to appropriately make these critical evaluations and decisions, and not to prevent or delay an area from being declared fully appropriated.

**THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts pursues legislative action to change the frequency of DNR's evaluation of the long-term availability of hydrologically connected water supplies, from the current annual requirement to no more than once every five (5) years.**

***NARD Legislative Committee***  
***Policies for Inactive Status in 2006***

***#2005-5 Replacement Wells (on page 9 of the NARD Policy Book)***

We support the following statutory changes:

- 1) The definition of BMP's be expanded to allow for NRD quantity and integrated management areas. Examples include, but not limited to, irrigation efficiency and other controls listed in § 46-739.
- 2) Allow for old wells that are being replaced to be converted to livestock, monitoring wells, or other small capacity uses of less than 50gpm, with the approval of the local NRD.
- 3) Impose fines and penalties on the contractor who was hired to abandon the wells and fails to do so in the time frame allowed under statute.
- 4) When a water user wants to offset groundwater for surface water, or vice versa, approval of both the NRD (or NRDs) involved and DNR should be required.
- 5) Replaces a well within three years of the last operation of the original well provided that the original well is abandoned and properly decommissioned within 90 days of the pump installation date for the replacement well. The status of the replacement well shall be Inactive Suspense until pump installation forms are filed for the replacement well and notification of abandonment is filed for the original well with the department.

**REASON FOR INACTIVE STATUS: Originally LB 1164 - Amended into LB 508, passed and signed into law by the Governor on 3-16-06.**

***#2004-1 Water Well Decommissioning Fund Allocation Procedure (on page 10 of the NARD Policy Book)***

We support legislation that allows the Department of Natural Resources to allocate Water Well Decommissioning Funds based on a participating district's previous three years running total of water wells decommissioned and give the NRD's the option to increase the maximum cost-share payment for de-commissioning wells from \$300 to \$500 to insure that landowners can receive at least the minimum 60% cost-share.

**REASON FOR INACTIVE STATUS: LB 508 passed and signed into law by the Governor on 3-16-06.**

**#2001-4 Well Standards and Contracts Licensing Board (on page 10 of the NARD Policy Book)**

We support legislative changes to provide representation of Natural Resources Districts on the NE Department of Health & Human Services Water Well Standards and Contractors Licensing Board.

**REASON FOR INACTIVE STATUS: Originally LB 140 – Amended into LB 508, passed and signed into law by the Governor on 3-16-06.**

**#1999-4 Nebraska Department of Health Certification of NRD Personnel (on page 11 of the NARD Policy Book)**

NARD supports legislation that would exempt NRD personnel from Nebraska Dept. of Health Certification requirements for purposes of conducting: 1) chemigation inspections, 2) measurement of static water levels in wells and 3) servicing flow meters.

We support a training and certification process for NRD personnel engaged in these tasks be developed and conducted by the NARD in consultation with the Nebraska Well Drillers Association, Nebraska Dept. of Environmental Quality and UNL Cooperative Extension and that the Nebraska Dept. of Health and Human Services be given an opportunity to review and contribute to the content of said certification program.

We support that NRD personnel must be recertified every three years through this training process.

**REASON FOR INACTIVE STATUS: LB 133 passed and signed into law by the Governor in 2004 and the side-bar issues have been resolved with the Well Licensing Board.**

**#2004-4 Annual Limits on Per Diem Payments to Board Members (on page 12 of the NARD Policy Book 2)**

We support legislation to amend §2-3218 of the Nebraska Statutes to raise the annual limit on per diem for natural resources districts directors to \$3,600 per calendar year.

**REASON FOR INACTIVE STATUS: LB 32 passed and signed into law by the Governor 3-22-06.**

**#2005-1 Groundwater Irrigation Runoff (on page 23 of the NARD Policy Book 3)**

We support legislation to change state statutes to provide that ground water irrigation runoff may be captured and reused without requiring a surface water use permit.

**REASON FOR INACTIVE STATUS: Originally LB 1099 – Amended into LB 508, passed and signed into law by the Governor on 3-16-06.**