

Overview: Statewide Water Management Strategy

Nebraska's statewide water management strategy is the outcome of seven decades of water policy development guided by a statutorily stated goal of preserving water because adequate supplies are essential to the general welfare of all Nebraskans.

The strategy outlined below and contained in the attached compilation of Nebraska water-related statutes is implemented via nationally unique management authorities, held primarily by the Department of Natural Resources and Natural Resources Districts, that have been granted by the Nebraska Legislature acknowledging the need to customize water management actions to suit varying hydrologic in localized regions. Regulatory actions imposed over the past 35 years to meet the overarching water preservation goal have been more significant and widespread than in any other state overlying the Ogallala Aquifer. While many challenges exist, a desired result is being achieved: Nebraska is the only state overlying a significant portion of the Ogallala where there is essentially the same amount of water as when irrigation development began in the early 1950's.

State Water Interest

"Management, protection and conservation of groundwater...is essential to the economic prosperity and future wellbeing of the state...and the public interest demands procedures for the implementation of management practices to conserve and protect groundwater supplies. (46-702)."

- "Orderly management systems" must be developed to achieve local and regional management objectives.
- Analysis of water supply and use conditions will be undertaken to reveal where special regulations on development and water use are necessary.

Management Entities To Achieve Goal

State law explicitly and repeatedly recognizes the need to manage hydrologically connected water. Management of such waters is described as essential to the continued economic prosperity of the state and in many instances needs to be managed differently.

- NRDs have significant authorities and are the preferred entities to regulate water use that contributes to conflicts between surface and groundwater users.
- DNR oversees surface water. Working with irrigation districts, it regulates those surface water activities that contribute to conflicts between surface and groundwater users.
- NRDs, DNR and water users including irrigation districts are to work cooperatively to resolve conflicts between surface and groundwater users.

NRD Authorities

NRDs develop groundwater management plans and management areas in which they exercise their authorities, including limitations on water use, to achieve the statewide water preservation goal. Management areas are created pursuant to groundwater management plans, approved by the state, that contain information including: Groundwater supplies, recharge, precipitation, crop water needs, groundwater data collection programs, water uses within the NRD, groundwater quality concerns, proposed conservation and water supply augmentation programs, availability of supplemental supplies, groundwater management objectives including a groundwater reservoir life goal for the NRD.

- If a District determines a management area is needed one or more of the following controls, which describe most NRD authorities, shall be adopted: Allocations; a system of rotation for the use of water; well spacing; meters; reduction in irrigated acres; limits on expansion of irrigated acres; requiring best management practices; mandatory education programs; water quality monitoring; approval of transfers; requiring wells be drilled at depths to decrease likelihood of being affected by seasonal water declines; closing all or a portion of an area to additional permits; adopting any other rules necessary to carry out the purpose of management area.
- If a groundwater area is established, the District may request that DNR evaluate whether a stay on new surface water appropriations is needed.

Management of Hydrologically Connected Supplies

Annually, DNR evaluates the long-term availability of hydrologically connected supplies for both existing and new surface water uses and existing and new groundwater uses in each of the state's river basins. No evaluation is needed for those Districts with or that are developing with DNR an Integrated Management Plan, except reevaluations can occur if there is reason to believe a Basin might be fully or over appropriated.

- The report describes how current water uses affect near and long-term supplies.
- A preliminary conclusion of fully appropriated without new water uses is considered in light of potential changes that would remove constraints on future water development.
- The social, environmental and economic impacts of additional water uses are described.

Purpose and Effects of Fully/Over Appropriated Designations

A Basin or reach of a Basin is considered fully appropriated if current uses of hydrologically connected water cause or will cause surface water to be insufficient to sustain over the long term purposes for which the appropriations were granted; if stream flow is insufficient to sustain wells that rely on recharge from stream flow; if reductions in stream flow cause noncompliance with interstate agreements.

An over appropriated designation is made if a Basin or reach of a Basin is subject to an interstate compact or agreement among three or more states and if the state has declared a moratorium on new surface water appropriations and each NRD has been requested to close additional permits.

- Under a fully appropriated preliminary designation, a ban on new surface water and groundwater uses is in effect pending a final determination.
- At the time of a final determination, DNR decides whether to continue the stay on new surface water uses.
- NRDs decide whether to continue the state on new groundwater development.
- Under an over appropriated designation, there can be no new surface or groundwater uses but NRDs can terminate a stay once an IMP is developed.

Integrated Management Planning: Achieving Balance

IMPs must have clear goals and objectives to sustain a balance between uses and supplies so that the economic vitality, social and environmental health of a region can be sustained over the near and long term. In the case of Basins that must take action to help the state achieve compliance with interstate agreements, the IMPs must contain actions plans to achieve compliance.

- Plan must have methods of gathering and evaluating data to increase understanding of hydrological connected systems.
- It must contain procedures to track depletions and gains to stream flows resulting from water use changes.
- It must identify means so that new uses will not have more than a de minimus effect on existing surface and groundwater uses.
- Identify procedures NRDs and DNR will use to report, consult and share information on water-related activities.
- Identify water available to mitigate new uses such as water leases and augmentation.

- Consult with irrigation districts and others to enhance economic development.
- Water use controls shall be consistent with the goals of the IMP, be sufficient to ensure compliance with interstate agreements, protect groundwater users whose wells depend on stream flow for recharge and surface water users from uses begun after the date a designation as fully or over appropriated was made.