

NRD to decide on temporary new well ban

By Robert Pore

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A controversial proposal to impose a temporary ban on new well drilling along the Platte River in the Central Platte Natural Resources District will be decided Thursday by the NRD's board of directors.

Since the Central Platte NRD was asked to consider the proposal by the Nebraska Department of Natural Resources in September, it has been the subject of opposition by organizations such as Nebraskans First and the Nebraska Well Driller's Association, along with many irrigators in the proposed area that would cover a six- to eight-mile area along the entire length of the Platte River in the district.

Earlier this month, the NRD held public hearings on the proposal at Lexington, Kearney, Central City and Grand Island. The majority of the public testimony was against the proposal.

When the board members voted 12-8 to consider the temporary suspension, they took into consideration the proposed Platte River Cooperative Agreement between Nebraska, Colorado, Wyoming and the U.S. Department of Interior and the possible consequences that agreement could have on district irrigators if there's not adequate flows in the Platte River to support endangered species and other wildlife.

Another consideration was the fact that it could be proposed by the state's Water Policy Task Force that legislation be passed giving the Nebraska Department of Natural Resources authority to impose a temporary ban on new well development if a water basin is found to be overappropriated in groundwater use.

Board member Dick Mercer of Kearney, chairman of the NRD's water resources committee, is also a member of the Water Policy Task Force.

"I don't think that there is any doubt in my mind that the Water Policy Task Force will recommend to the Legislature enabling legislation that will direct the Department of Natural Resources to do an annual audit of all the river basins in the state," Mercer said.

The Water Policy Task Force is meeting this week in Kearney and is preparing to wrap up its recommendations on state water policy before giving them to Gov. Mike Johanns before the end of the year.

Within that proposed audit, Mercer said, if the Department of Natural Resources found that a river basin, sub-basin or tributary in that basin is overappropriated, then the director of the Department of Natural Resources would declare an immediate stay on any new well development in that basin.

"There is no doubt that the Central Platte NRD will be looking at some type of temporary ban on new well drilling sooner than we think, especially if it's mandated by the state by legislation," he said.

Mercer said that's one of the reasons the NRD has been requested by the state Department of Natural Resources to be proactive about declaring a temporary time-out on new well development.

Mercer said he is well aware of the strong opposition at the four hearings on the proposal. Much of the opposition to the proposal was that there was not enough scientific evidence that groundwater use is impacting stream flows in the Platte River in the Central Platte NRD.

As part of the proposed Cooperative Agreement, Central Platte NRD and others are currently conducting a Cooperative Hydrological Study (COHYST) of the Platte River Basin to gauge the impact groundwater use has had on stream flows.

"The arguments that we don't have COHYST done and we don't have all the scientific facts yet or that the Cooperative Agreement is not even signed don't particularly sway my vote one way or the other," he said, "If something needs to be done and the study comes out saying you should have done it five years ago, then how do we answer people that we didn't do something temporarily until the study was done?"

Jay Rempe, director of state governmental relations for the Nebraska Farm Bureau and a member of the Water Policy Task Force, said that, while COHYST has yet to be completed, there is mounting evidence that there's a strong relationship between groundwater use and surface water flows.

He said that's one of the reasons the temporary moratorium is being proposed.

"What the science doesn't tell us right now is the extent of that relationship and how much groundwater usage might be affecting surface water and stream flows," Rempe said. "Not knowing that extent, they are trying to protect the irrigated base that exists today and determine if we have hit the point where we are beyond that full appropriation.

"What the Central Platte is being asked to do is look ahead and try

to be proactive to find out where they are at as far as available water in this basin and current level of use. The temporary time-out will allow them to get a handle on that."

If the Central Platte NRD board votes against the proposed temporary ban, Rempe said, there is a strong possibility that the Legislature will pass legislation giving the Department of Natural Resources the authority to issue a temporary ban if it finds that the basin has been overappropriated in groundwater usage.

He said that could happen within the next year and a half.

The other possibility if the Central Platte board doesn't approve the temporary well drilling ban is that it could put at risk the district's existing irrigation base if the Platte River Basin in the district is found to be overappropriated, Rempe said.

Mercer said debate on the proposed temporary ban has been emotional and intense.

"Hopefully, when the committee presents this to the board and the board takes a vote, no matter how anybody votes, people will respect their vote and we will go on and do business as good as we can from here on," Mercer said. "We hope that it doesn't become so divisive that it hinders the future workings of the Central Platte."

BREAK OUT BOX

If you go

What: Central Platte Natural Resources District's board of directors meeting

When: 2 p.m. Thursday. A 10 a.m. meeting of the water resources committee will be held to discuss public comments made at prior public hearings.

Where: 215 N. Kaufman Ave. in Grand Island.

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