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Drilling moratorium: Now, later or never is quandary CPNRD faces

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LEXINGTON - Is now the time for a temporary moratorium on drilling new wells in the Central Platte Valley?

That was the key question debated Monday in Lexington at the first of four Central Platte Natural Resources District public hearings on a proposed "temporary timeout." The pause would allow time for a study to determine if an integrated water management plan is needed for groundwater and surface water resources.

About 100 people attended the Lexington hearing.

Some of the nine speakers said a moratorium is needed now. Others said the study should come first.

Some said current information clearly shows that parts of the Platte River Basin are overappropriated. Others said any water supply problems reflect only the current drought.

"I just don't think it's necessary at all until we find out more from COHYST," said Carroll Sheldon of Kearney, a CPNRD director and a leader of the Nebraskans First group of groundwater irrigators. COHYST is a Platte Basin hydrology study. "... We're spending money to get these answers, and we're not waiting for them."

"Everything I have looked at leads me to believe we are overappropriating resources in the basin," said Nebraska Department of Natural Resources Director Roger Patterson, particularly upstream of Elm Creek. For example, he said, the Cozad and Kearney canals, with 1880s water rights, have been short of water in recent years.

There are many interests involved.

Surface water right holders who believe their rights are being taken by groundwater pumping near hydrologically connected streams already are pressing their complaints with the DNR and in court.

Patterson said Nebraska could face annual payments in the \$2 million range under a "no new depletions" part of a habitat conservation plan being written under the three-state Platte River Cooperative Agreement. The amount would grow if more new acres are irrigated.

One recommendation to the Legislature by the Nebraska Water Policy Task Force could be automatic moratoriums in basins identified by the DNR as fully appropriated or overappropriated.

Patterson described his request to the CPNRD directors to consider a temporary moratorium as a "a fairly soft sell." However, some of the nine people who testified at Lexington questioned the motives of state officials and environmental interests in limiting well drilling.

"This is a flashback to two years ago where I was on the Republican," Patterson said, referring to moratoriums approved throughout most of that river basin as one element to settle the Kansas v. Nebraska lawsuit.

Nebraska Public Power District Water Resources Manager Brian Barels of Columbus called a temporary moratorium in the CPNRD an "important stop-gap measure" while more is learned about how groundwater development is affecting streamflows.

He said that in three of the past four years, there hasn't been enough surface water to meet demands on the seven canals served by NPPD. That's the first such shortages since the projects were built in the 1930s.

However, Nebraskans First Executive Director Don Adams of Lincoln said moratoriums should be a last resort used in desperate times when the data supports such action.

"I wonder if this board, on its own, without outside influence, would pursue this moratorium," he said. He believes the cooperative agreement program is the force behind the state recommendation and, if the moratorium is approved, control of Platte River resources would be turned over to the U.S. Fish and Wildlife Service.

Adams said some hydrology studies show that groundwater pumping has little effect on Central Platte streamflows. He said drought has caused a false impression that drastic action is needed.

"Groundwater irrigation is the lifeblood that sustains every local economy here," Adams said, and a moratorium will send a message to farmers that any future growth is over. It's a message that also could harm property values and the tax base.

Lexington well driller Wesley Liehs was skeptical that the timeout actually will be temporary. "Because there's never been a timeout in place that has ever come off in Nebraska. Then it becomes a moratorium," he said.

Local well drillers have done big business recently in areas where farmers have needed wells to supplement low surface water supplies or tried to beat a moratorium. "I'd rather not drill the next 10 years worth (of wells) in one," Liehs said.

Nebraska Well Drillers Association Executive Director Lee Orton of Lincoln said moratoriums in other areas of the state have resulted in more new well activity than would have been done without them.

Referring to the CPNRD's leadership role, Liehs said, "If the state can force this NRD to impose a moratorium, the other NRDs will be like dominoes falling in line."

Lexington farmer Jim Lundgren said Dawson County farmers depend on both surface water and groundwater, so the limited supplies "pit a beneficial user of a surface water right (against) the potential beneficial users of a groundwater source."

He said the CPNRD directors shouldn't act on a moratorium until more is known from COHYST, cooperative agreement and task force work, and a National Academy of Sciences study due early next year. He also thinks the directors should learn whether moratoriums are being imposed upstream, in Colorado and Wyoming.

Lundgren said he's concerned that at some point no action could mean that water resources are exhausted beyond reason, but he doesn't know when that point is reached.

It's an issue CPNRD directors such as Dick Mercer of Kearney must consider. "If we wait, then what if (the study) tells us we should have done it several years ago?" he asked.

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