

Several water bills causing a stir in the Nebraska Legislature

Written by Wauneta Breeze
Wednesday, 19 February 2014 23:19 -

By Russ Pankonin

The Imperial Republican

Several water bills in the Nebraska Legislature are creating a stir amongst natural resources districts in the state including the Upper Republican Natural Resources District.

LB 1074, introduced by Sen. Steve Lathrop of Omaha, seeks to change how a river basin in the state is determined to be fully or over-appropriated.

It also has the potential to cause a significant shutdown of groundwater wells in the state, said URNRD Manager Jasper Fanning last week.

The URNRD held an informational meeting last Thursday to acquaint irrigators with the potential of LB 1074 and several other bills that could have a negative effect on groundwater use in the state.

Today (Thursday), the Natural Resources Committee will hold a hearing on Sen. Mark Christensen's LB 1111.

This bill would force the NRDs to rework their integrated management plans so that groundwater pumping created no net depletions. They would have until 2025 to achieve that

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standard.

Fanning said that in areas with a high density of groundwater development, such as the area around Lamar, allocations in the 3- to 5-inch range would be necessary.

Another Christensen bill awaiting a hearing is LB 1112. That bill would change the way the occupation tax is charged.

Rather than a flat per-acre fee, his bill would make the occupation tax directly related to how much water an irrigator used. The more water an irrigator pumps, the more they pay, he said.

Rift developed over surface water compensation

Last year, Christensen moved LB 522 through on first round debate but the bill got stuck there.

LB 522 would have paid surface water irrigators in the Republican Basin who in 2013 were forced to give up their surface water for compact compliance purposes without any compensation.

Christensen's bill sought to pay surface water irrigators up to \$300 per acre for having to give up their surface water.

Christensen said this week it simply wasn't fair to shut down surface water irrigators without any compensation while groundwater irrigators were able to pump their full allocation.

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After passage on first round debate, Sen. Tom Carlson of Holdrege, chairman of the Natural Resources Committee, withdrew any further support for the bill while the surface water districts seeking compensation had lawsuits pending against the state.

For all practical purposes that stalled the bill.

Christensen said the speaker said no hold-over bills would be brought to the floor this session unless prioritized. Christensen did not prioritize the bill this session so the only way it could move is with a committee priority designation.

That would have to come from Carlson's Natural Resources Committee, which seems unlikely.

Christensen said this week the Nebraska Association of Resource Districts testified neutral on the compensation bill. However, he said it was NRDs and their association lobbyist that helped get the bill shelved.

They got what they wanted last year by stopping the bill, he said, and they are the only ones who can go to Carlson and get it resurrected with a priority designation.

As a form of retaliation, Christensen introduced this session's water bills, which could have an adverse effect on groundwater pumping not only in the Republican Basin but statewide.

He said he saw that action as the only avenue to bring groundwater users back to the table to try to work out some way to get surface water users compensated if it happens again in the future.

This week, Christensen said that if he could get compensation for surface waters in the eastern end of his district, he'd work to try to kill LB 1074.

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Water funding another pawn

After last year's session, Carlson conducted a water task force study. One of the outcomes included a recommendation to include \$50 million annually in the state budget to deal with the state's ongoing water issues.

Fanning said the water funding bill has become a pawn in the battle over both LB 1074 and the Medicaid Expansion bill.

Fanning said it's been implied by some senators that water funding is tied to passing some type of LB 1074. If that's the case, Fanning said the \$50 million is not as important as stopping LB 1074.

Christensen said he's also been approached by Medicaid expansion supporters offering to vote for water funding if he'll vote for Medicaid expansion.

He said he doesn't trade votes so if it means no water funding, he's fine with that.