

NEWS RELEASE

Nebraska Department of Natural Resources

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Nebraska Supreme Court Reverses Fully Appropriated Designation on Portion of Niobrara River Basin

(Lincoln, NE) The Nebraska Supreme Court has reversed a January 2008 determination made by the Nebraska Department of Natural Resources regarding a fully appropriated designation made on a large portion of the Niobrara River Basin. The reversal was largely based on concerns related to the methods used in the current determination process.

Department of Natural Resources Director Brian Dunnigan stated, "The Department has been working with local natural resources districts for over a year and a half to address some of the shortcomings of the current methodology. We believe the collaborative process we have been pursuing will lead to a more effective determination process that will further assist state and local water managers in most effectively managing hydrologically connected waters of the State. This new process would have been pursued regardless of the outcome of this case."

Based upon the judicial reversal, state statutes specify that the current stays in place on new groundwater development may be lifted once local natural resources districts have developed the necessary rules and regulations for prioritizing the issuance of new well permits. The reversal may also allow new surface water appropriations to be granted by the Department of Natural Resources, with limits on new irrigation appropriations during the next four years.

Director Dunnigan is hopeful that the local natural resources districts will still look to participate in joint water management planning with the Department, a requirement that would have existed had the court not reversed the decision, utilizing a voluntary process provided for in recent state statute modifications. Dunnigan said, "I see this as a great opportunity for local natural resources districts and the state to move forward by working jointly on developing an effective water management strategy in the Niobrara Basin."

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