

POLICY ISSUE STUDY

SUMMARY AND REVIEW

NRC	SUMMARY AND REVIEW	POLICY ISSUE STUDY	
NRC	INTEGRATED MANAGEMENT OF SURFACE WATER AND GROUNDWATER	POLICY ISSUE STUDY	
NRC	WATER AND ENERGY	POLICY ISSUE STUDY	REPORT #7
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NRC			

**POLICY ISSUE STUDY
SUMMARY AND REVIEW**

STATE WATER PLANNING AND REVIEW PROCESS

SUMMARY AND REVIEW

**A REPORT
OF THE
DIRECTOR OF NATURAL RESOURCES
TO
THE GOVERNOR
AND
THE MEMBERS OF THE NEBRASKA LEGISLATURE**

OCTOBER 1986

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STATE OF NEBRASKA

NATURAL RESOURCES COMMISSION

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January, 1987

The Honorable Kay Orr
Governor, State of Nebraska
State Capitol, 2nd Floor
Lincoln, NE 68509

Members of the Nebraska Legislature
State Capitol
Lincoln, NE 68509

Dear Governor Orr and Members of the Legislature:

This report entitled "Summary and Review Policy Issue Study" is being submitted by the Director of Natural Resources and has been approved by the Natural Resources Commission. It is one of a series of studies of Nebraska water policy issues.

The report summarizes the alternatives and recommendations included in previous policy issue studies and presents indexes to use of those studies. It also contains a high priority recommendations section which presents nine recommendations contained in previous studies and three additional recommendations. The high priority recommendations can be found on the blue pages immediately preceding the introduction.

Although this is a report of the Director of Natural Resources, the form and content of the report has been approved by the Natural Resources Commission. The high priority recommendations are also those of the Commission, and most were included in previous policy issue studies.

It is the hope of the Director and the Commission that this report will be helpful in making policy decisions and statutory changes. We are prepared to answer any further questions you may have.

Dayle E. Williamson
Director of Natural Resources

Larry Moore
Chairman, Natural Resources Commission

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Foreword

This report was written as part of the Policy Issue Analysis Activity of the Nebraska State Water Planning and Review Process. An interagency task force which advised on development of this report included:

Bob Kuzelka.....Conservation and Survey Division
Sue MillerWater Resources Center
Gerald ChaffinGame and Parks Commission
Cliff SummersDepartment of Health
Tom LambersonDepartment of Water Resources
Steve Gaul..... Natural Resources Commission (Task Force Coordinator)

The Natural Resources Commission and the Director of Natural Resources were responsible for providing guidance to the task force. Annette Kovar of the Natural Resources Commission staff, though not a task force member, compiled Indexes C and D of the report. A special three member committee of the Natural Resources Commission monitored the study and provided guidance. Members of that committee were Mike Shaughnessy, Bob Gifford, and Wayne Johnson.

The expertise and experience provided by the designated representatives and other individuals from these agencies is reflected throughout this report. However, any questions related to the scope, validity or interpretation of this report should be directed to the Natural Resources Commission, the lead agency for this policy issue study.

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Natural Resources Commission High Priority Recommendations Package

Legislation has passed which fully or partially addresses approximately 33 of the 111 legislative recommendations made by the Commission in the policy issue studies. In a number of cases the recommendations adopted were among the most important. Nine of the recommendations included in this section are those we consider to be the most important among those not yet adopted. We have also included two recommendations not made in previous policy issue studies. We would like to see most of the remaining policy issue study recommendations adopted. However, we believe the recommendations included in this section are especially worthy of consideration. The eleven recommendations presented are all of high priority and are not ranked in comparison to each other.

RECOMMENDATIONS MADE IN PREVIOUS POLICY ISSUE STUDIES

Recommendation (1): Increase state appropriations to the Nebraska Soil and Water Conservation Fund to 6.9 million dollars as recommended in the Soil and Water Conservation Strategy.

In past years there has been considerably more demand for Soil and Water Conservation Funds in many Natural Resources Districts than there has been supply. This increase would encourage additional installation of conservation practices by those who were previously unable to receive funds. More information on this recommendation can be found in the *Policy Issue Study on Water Use Efficiency* and the *Summary of the Nebraska Soil and Water Conservation Strategy*.

Recommendation (2): Increase annual appropriations to the Resources Development Fund.

We strongly suggest that annual appropriations to the Resources Development Fund be immediately increased to \$5 million per year. This recommenda-

tion was proposed as part of a water project funding package contained in the *Policy Issue Study on Supplemental Water Supplies*. At the time this recommendation was first made, the Water Management Fund had not yet been created. We also strongly support appropriations to that Fund. A new recommendation to that effect is included later in this section.

Recommendation (3): Propose and pass a constitutional amendment to allow the state to issue general obligation bonds for water development projects.

This recommendation was also proposed as part of a water project funding package in the *Policy Issue Study on Supplemental Water Supplies*. Such bonds could be used to guarantee repayment on water retention and impoundment structures, all eligible Resources Development Fund projects, or all water related projects (including waste treatment facilities and water distribution facilities).

The full faith and credit of the issuing governmental entity is pledged to repayment of general obligation bonds and they are normally repaid from general tax revenues. They can be used to generate large amounts of money when needed for capitol investments, with repayment occurring over the term of the bonds. General obligation bonds could be utilized to raise funds for specific large practices or if desired by the Legislature, for general funding of the Resources Development Fund or other water resources project financing mechanisms. Legislative approval of each general obligation bond issue would be required. If the broadest form of authority for such bonds were granted, the proceeds of the bonds could be administered through the Resources Development Fund and the Wastewater Program administered by the Department of Environmental Control.

If passed this amendment would allow the state to make a long-term commitment to water development projects without having to build funding ahead of time through yearly appropriations. Placing the

full credit of the state behind projects would also likely result in projects being assessed lower interest rates than they would with revenue bonds. LR 18CA(1986) would have implemented this recommendation. However, it died on general file.

If this recommendation is not acted upon the Commission's second choice would be to propose an amendment to the Nebraska Constitution to authorize state guarantee of local general obligation bonds for water development projects and modify the Resources Development Fund so that state grants and loans are used to retire the local bond issues. Local governments could then issue such bonds provided they received voter approval.

Recommendation (4): Amend Nebraska's drainage related statutes in a comprehensive manner.

This recommendation was originally made in the *Policy Issue Study Report on Drainage of Diffused Surface Water*. It was suggested that the amendments should be the following items:

- (a) Amend Nebraska's drainage statutes to define those terms crucial to proper classification of water given the substantive law of drainage and diffused surface water in Nebraska.
- (b) Amend Nebraska statutes to provide that a natural drainway is to be defined with reference to historical drainage patterns unless it is demonstrated that rights to current drainage patterns have been acquired by prescription.
- (c) Amend Nebraska statutes to explicitly recognize a landowner's right to capture and use diffused surface water present in his land, provided the captured water is used for reasonable or beneficial purposes.
- (d) Amend Nebraska statutes to codify the reasonable use rule of liability for interference with the flow of diffused surface water.
- (e) Adopt a comprehensive statutory scheme relating to management and control of storm water runoff that gives due regard to the interests of downstream landowners.
- (f) Adopt a comprehensive regulatory program designed to identify, preserve, and protect critical wetland areas.
- (g) Specify a uniform set of drainage powers for cities and villages and eliminate obsolete or unnecessary provisions related to counties.
- (h) Amend Nebraska statutes to provide a single statutory mechanism for organizing and operating public drainage projects in Nebraska.

Recommendation (5): Authorize Natural Resources Districts to levy a tax rate specifically for planning and construction of supplemental water projects.

Adoption of this recommendation was advocated in the *Policy Issue Study on Supplemental Water Supplies*. We now feel that such increases in the tax rate should be made subject to local voter approval. Adoption of this recommendation would substantially increase a Natural Resources District's ability to initiate water development at the local level. That development could include projects purposes such as surface water supply, groundwater recharge, recreation, fish, wildlife, flood control or prevention of erosion. This recommendation would allow districts to more effectively utilize available state funding while placing some major responsibilities for water supply projects in the hands of locally elected officials. By leaving the tax option at the local level it would also create more interest in natural and water development issues. Under this recommendation there would need to be a suggested maximum allowable rate.

Recommendation (6): Declare that groundwater may be transferred off the overlying land to meet in-stream, irrigation, or other needs, or maintain lake or wetland water levels.

A precise definition of 'overlying land' should probably be incorporated into any legislation making this change. This recommendation was originally made in the *Policy Issue Study on Integrated Management of Surface Water and Groundwater*. A more limited version of the alternative had previously been recommended in the *Policy Issue Study on Supplemental Water Supplies*. With sufficient safeguards this alternative may benefit both irrigation uses and environmental needs. If crop prices were to rise, the transfer of water for irrigation purposes could possibly provide fairly widespread economic benefits.

The right to transfer water would need to be limited so as not to injure third parties.

Recommendation (7): Authorize cities and villages to apply limited zoning and land use controls to areas within a prescribed distance of their water supply sources in addition to existing authority within designated distances from their existing corporate boundaries.

Groundwater contamination from nitrates and other sources may pose a growing hazard to many of the state's municipalities. Some cities may be put in the position of needing to relocate expensive wellfields. In some cases finding a suitable site for that relocation may be difficult. Adoption of this recommendation from the *Policy Issue Study on Municipal Water Needs* is probably necessary if cities are to successfully address that problem.

Recommendation (8): Require wastewater treatment plant operator training and certification.

This recommendation was originally made in the *Policy Issue Study on Water Quality*. The Nebraska Water Pollution Control Association in cooperation with the Nebraska Department of Environmental Control currently provides a voluntary wastewater treatment plant operator certification and limited operator training. Making such training mandatory would involve some extra instruction costs and operator time and salary. It might also increase short-term costs as more qualified operators are required. However, there could be substantial savings in maintenance, replacement costs and extended life cycle if facilities are better maintained. Substantial investments in facilities can be endangered by improper maintenance. Furthermore, improper maintenance can result in water quality problems. Since much of the investment in facilities may be non-local and the potential damage from pollution may be non-local; it is in the state's interest to see that local personnel are able to operate the facilities properly.

Recommendation (9): Make second class cities and villages subject to state landfill licensing requirements.

Currently, only cities of first class and above are subject to state landfill licensing requirements. However, improperly operated landfills can cause significant water quality problems, no matter what their size. Smaller cities may have comparatively fewer resources to see that their landfills are properly used. Therefore, licensing may result in fewer water quality problems. This recommendation was first made in the *Policy Issue Study on Water Quality*.

**ADDITIONAL RECOMMENDATIONS
NOT MADE IN PREVIOUS
POLICY ISSUE STUDIES**

We have included two new recommendations in our high priority recommendations package. These recommendations reflect changes in issues and in our opinions since the planning process began in 1978. We feel that these recommendations, like the previous nine, are especially worthy of consideration.

Recommendation (10): Increase Appropriations to the Water Management Fund.

In many respects creation of the Water Management Fund in 1984 fulfilled the Commission recommendation in the *Policy Issue Study on Supplemental Water Supplies* that the state create a 'sinking fund' within the Resources Development Fund. Although the Water Management Fund is separate from the Resources Development Fund it is a sinking fund. It is administered by a Water Management Board the Legislature created to 'identify, propose, support, advocate, resolve conflicts regarding, and expedite water development projects. The water management fund was created specifically for projects costing over \$10 million. We believe the Water Management Board and fund were excellent ideas. The problem is that to date no expenditures have been made from the fund and it has a balance of only \$20,000. Given recent state financial conditions we can understand why appropriations to the fund have not been forthcoming. However, we should not any longer delay in making a substantial commitment to water project construction. We feel such projects can contribute to the state's economic development while providing flood control, recreation, and environmental benefits.

The diminishing level of federal support for water project construction has made State funding imperative if we are to continue with even a modest level of water development. State matching contributions are now required even for water project planning. The Water Management Fund provides the best means for Nebraska to continue its role in the state-federal partnership. It also provides an excellent mechanism to accumulate funds to finance major water projects. It is now time for us to use it.

Recommendations (11): The Legislature should authorize and fund a Natural Resources Commission study of all phases of the sale and transfer of surface water and groundwater.

We have previously recommended that the statutes be changed to allow transfer of groundwater off the overlying land on a limited basis. LB 21 as passed in 1983 authorized limited transfers of surface-water rights. The time has come to have the Commission further study all issues surrounding water sales and transfers. We do not feel this should be a part of our policy issue study series. We urge the Legislature to fund this study.

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Introduction

PURPOSE

The purpose of this report is to promote the optimum use of recommendations and other information contained in the policy issue studies through providing easy access to major items of interest. The objectives of the report are to summarize the alternatives and recommendations of previous policy issue studies, review the current implementation status of those recommendations, present a high priority package of recommendations, suggest potential future water policy issue studies, and present several indexes to subject areas covered by the policy issue studies.

NEED FOR STUDY

At the suggestion of two cooperating agencies, in July, 1983 the Natural Resources Commission voted to initiate a study which would summarize, and to some extent update the policy issue studies previously completed. Subsequent discussions centered

on providing an easy method to determine the recommendations on previous policy issue studies and an index to important topics covered in the studies. A draft study design was completed and circulated to task force agencies in December, 1984.

SCOPE

This introduction explains the purpose and scope of this policy issue study, and the need for the study. **Chapter 1** contains a brief history of the Commission's policy issue studies, why they were initiated, and how they relate to one another. It concludes with some suggestions on how the studies may be used in the future and identifies some potential future policy issue studies.

Chapter 2 deals with the actions taken to date on recommendations of previous policy issue studies. It sets the stage for those who wish to examine what remains to be done.

The report concludes with a variety of indexes to material presented in the policy issue studies.

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Chapter 1

The Policy Issue Studies: History, Coverage, and Future Uses

THE POLICY ISSUE STUDIES - A BRIEF HISTORY

In 1978 the unicameral passed two pieces of legislation (LB957 and LR300) directing the Natural Resources Commission to redirect and accelerate state water planning. Among the items that were to be addressed was the analysis of water policy issues, including the analysis of alternative policies and their impacts. This request for analysis of water policy issues was probably due in part to legislator's perceptions that water policy issues were becoming of concern more quickly than they could be addressed by the previous efforts at compiling a state water plan. LR300 specifically directed that the policy issues to be considered include, but not be limited to:

- (1) Questions concerning conflicts among ground and surface water users;
- (2) The conjunctive use of ground and surface waters;
- (3) Conflicts among riparian and appropriate right holders;
- (4) Groundwater management policies;
- (5) Water needs for municipalities;
- (6) Environmental and recreational demands

for water;

- (7) Interbasin water transfers;
- (8) The protection of surface water and groundwater quality;
- (9) The integration and coordination of state water allocation and water quality policies; and
- (10) The role of the State and its political subdivisions in financing water resources development and management.

In response to that legislation, the Commission and six other state agencies drafted the Report to the Legislature and Governor on the Nebraska State Water Planning and Review Process (November 15, 1978). That report suggested a five activity planning process with Policy Issue Analysis being one of the activities to receive early emphasis. The planning process as depicted in that report later received formal legislative recognition. The report combined the topics the legislature had suggested be covered into nine proposed studies. Six of those studies were eventually completed while three were dropped and four studies were added.

The six originally scheduled policy issue studies that were completed were:

	Date Final Report Published
(1) Instream Flows	January 1982
(2) Water Quality	March 1980
(3) Groundwater Reservoir Management	March 1982
(4) Water Use Efficiency	April 1985
(5) Municipal Water Needs	March 1983
(6) Supplemental Water Supplies	January 1984
Studies later added and completed included:	
(7) Selected Water Rights Issues	
- Preferences in the Use of Water	October 1981
- Drainage of Diffused Surface Water	May 1982
- Water Right Adjudications	December 1982
- Property Rights in Groundwater	January 1983
- Riparian Rights	March 1983
- Interstate Water Uses and Conflicts	April 1983
- Transferability of Surface Water Rights	May 1983
(8) Water and Energy	January 1984
(9) Integrated Management of Surface Water and Groundwater	April 1986
(10) Summary and Review	December 1986

The three policy issue studies deleted included studies on: interbasin transfers, weather modification, and surface and groundwater rights systems. The interbasin transfer study was dropped when a Nebraska Supreme Court Decision clarified the legal status of such transfers. The weather modification study was deleted when it was subsequently decided that few substantive issues existed on the topic. The Policy Issue Study on Surface and Groundwater Rights Systems was dropped but most of its issues were later addressed in the Selected Water Rights Issues Policy Study and the *Policy Issue Study on Integrated Management of Surface Water and Groundwater*.

The Policy Issue Studies were and are intended to provide the Legislature, Governor, and other decision makers with a range of policy alternatives on Nebraska water problems. Environmental, social, economic, and other impacts of each alternative are also considered. Interagency task forces completed technical reports for each of the studies. The Natural Resources Commission was responsible for formulating policy recommendations and issuing a final report for all but this *Summary and Review Study* and the report on *Integrated Management of Surface Water and Groundwater*. With the implementation of LB1106 (1984) in February of 1985 those responsibilities belong to the Director of Natural Resources.

The policy issue studies completed to date cover most of the major and immediate water issues in the state. Dividing the coverage of those issues between studies was a topic of concern throughout the conduct of the policy studies. Individual study coverage was of necessity somewhat arbitrary. The *Policy Issue Study on Integrated Management of Surface Water and Groundwater* was completed after the other reports and contains much material from those studies and some of the material that 'fell between' previous studies.

STATUS OF POLICY ISSUE STUDY RECOMMENDATIONS

Policy studies have contained some administrative recommendations and recommendations to local governments. However, most recommendations have been directed to the governor and legislature. In a number of cases the Legislature and Governor have since taken action that parallels those recommendations. Nonetheless, in most instances action on the recommendations has not yet occurred. **Chapter 2** reviews the implementation status of each recommendation made in the policy issue studies.

The count of the number of policy issue study recommendations made and adopted is of necessity

only approximate. In some cases, a recommendation contained several components and a decision had to be made as to whether to consider it to be more than one recommendation. In a few cases, recommendations were so similar that they were combined for purposes of making this count. In addition, the legislative and administrative action pertaining to the recommendations has been anything but uniform. In many cases, legislation has resulted in only the partial adoption of a recommendation. Any judgement on the degree to which a policy study recommendation may have influenced legislative action is a very subjective matter.

There have been about 134 recommendations made in the policy issue studies to date. There were an additional 155 alternatives in the policy studies that were not recommended. Of those 134 recommendations, approximately 111 suggested legislative action or inaction. Legislation has been passed which at least partially addresses 33 of those recommendations. Nineteen of those recommendations were substantially or completely addressed. Applicable legislation was introduced but not passed in regard to 16 recommendations. For about 62 recommendations, applicable legislation has been neither introduced nor passed.

About 23 recommendations did not require legislative action. Six of these recommendations were to municipalities and there has been no survey of the degree to which they have been adopted. A decision was made not to adopt one recommendation and no action has yet been taken on five recommendations. One alternative specifically recommended no legislative action, and none has been taken. The ten remaining recommendations have been adopted.

FUTURE USES FOR POLICY ISSUE STUDIES

The major purpose of this policy study is to encourage optimum use of the policy studies through allowing easier access to recommendations and other information they contain. The physical data and much of the legal and policy information contained in the reports should be useful to those considering water policy problems during the coming years. This report provides a number of indexes and tables to access that information. It also provides information on which policy study recommendations have resulted in legislative action and which have not. Thus the policy issue studies should be of use both for those gathering physical and legal information on Nebraska's water resources and for those hoping to analyze or propose legislation for changing the state's water policies.

The policy issue studies completed to date do not necessarily constitute all policy studies that will be

completed under the planning process. It was recognized when the Policy Issue Analysis activity was initiated that new issues could arise and that the process should be able to respond to those issues. A number of issues for potential future study were identified while compiling this study. Those include: stream channel alteration, flood control, drought management, water project financing, and lake and wetland management.

A stream channel alteration policy study might address two types of issues. One issue is whether regulations should apply to stream channel alteration by individual landowners. Such alterations are often done in a piecemeal manner and one landowner's alteration may aid him but simply worsen erosion problems for other landowners along the stream. The second stream channel alteration issue results from what is nearly the opposite type of situation. Sponsors of public streambank erosion projects may apply to the Natural Resources Development Fund for state support. Such projects generally include multiple stabilization sites along the channel. The sites may be interrelated in varying degrees and it is often difficult to determine the true costs and benefits of individual sites due to this relationship. Because the Development Fund sometimes provides up to 75% cost share money it may, therefore, be to the applicants advantage to add economically infeasible sites that only return slightly over 25 cents on the dollar. If there is some small degree of interrelationship between structures therefore, an applicant may simply add infeasible structures until he achieves the minimum acceptable rate of return for the overall project. This maximizes protection from that individual project but may minimize total economic returns per dollar from use of the Resources Development Fund. Methods of better accounting for benefits of individual structures may need to be explored. This issue of how to deal with infeasible project increments extends beyond stream channel alteration and may be better addressed separately.

There remains some potential for a policy issue study on flood control. This was not addressed at all in the original series of policy studies. This was largely due to the fact that it was felt that existing programs adequately address most problems. However, the potential for additional flood control structures and programs does exist. In some areas, such as the Swan Creek Watershed in the Lower Big Blue Basin, there has been some controversy about

whether structures can be funded and developed more quickly.

On several occasions drought management has been identified as a potential topic for a policy study. In January the Governor had set up a task force to develop a Drought Assessment and Response System. That task force issued its final report on May 1, 1985. In view of the actions taken by that task force it may be that the immediate need for a policy study on this topic has abated.

Water project financing was suggested as a potential topic for a policy issue study earlier in the planning process. Such a study has not been pursued, partially because the topic received some treatment in the *Policy Issue Study on Supplemental Water Supplies*. It was also addressed to some degree in other policy issue studies. In addition the topic was part of the report of the Governor's Water Congress. Due to passage of LB1106 in 1984 a number of new administrative mechanisms for water project financing are now in place. Nonetheless, there may continue to be policy questions surrounding this topic. Almost certainly there will be debate over appropriate levels of funding. These debates may be complicated by the fact that future federal funding for water projects is likely to require a considerable state contribution in matching lands.

Lake and wetland management is an additional topic that may be worth some future attention. Federal policies in granting 404 dredge and fill permits have been subject to some policy debate. Future wetland policies may deserve some comprehensive treatment. The *Policy Issue Study on Drainage of Diffused Surface Water* recommended development of a comprehensive regulatory program designed to identify, preserve, and protect critical wetland areas. What those regulations might be and how they might be implemented could be a subject of this study.

None of the studies discussed above is specifically recommended for initiation at this time. However, they may be considered in future fiscal years.

Another topic that was covered in the policy studies but is likely to cause continuing policy controversy is water quality. There may need to be an effort to update the *Policy Issue Study on Water Quality*. Although this will certainly be a topic in future Natural Resources Commission water planning efforts, the main responsibility for water quality planning efforts will continue to reside with the Department of Environmental Control.

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Chapter 2

Status of Policy Issue Study Alternatives and Recommendations

This chapter represents a table which notes the current status of each of the recommendations and alternatives contained in the previously completed policy issue studies. The recommendations and alternatives are listed by policy issue study report. The reports are listed in alphabetical order.

The numbers assigned to recommendations and alternatives in this chapter generally do not correspond to those contained in the original reports. In a number of cases, Commission recommendations contain somewhat different wording than they did in the original report. In a few cases, a recommenda-

tion with several facets has been noted as more than one recommendation. This has been done for the sake of clarity and brevity. Each recommendation in this chapter is preceded by the Letter R. Each alternative not recommended by the Commission is preceded by the letter A. The second column of the chapter notes the page number in the original report which contains each recommendation and/or alternatives. Recommendations in that column are abbreviated (Rec.) and alternatives are abbreviated (Alt.).

Chapter 2

STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (SUMMARY TABLE)

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>DRAINAGE OF DIFFUSED SURFACE WATER - May 1982</u>					
<u>Drainage of Diffused Surface Water - Recommendations of the Natural Resources Commission</u>					
<u>Alternatives That Define Relevant Terms</u>					
R- 1. Amend Nebraska statutes to define those terms that are crucial to a proper classification of water, given the substantive law of drainage and surface water in Nebraska.	Rec. Pg. ii Alt. Pg. 4-4	Not Applicable	None	No Action	
R- 2. Amend Nebraska statutes to provide that natural drainway is to be defined with reference to historical drainage patterns unless it is demonstrated that rights to current drainage patterns have been acquired by prescription.	Rec. Pg. ii Alt. Pg. 4-7	Not Applicable	None	No Action	
<u>Alternative Rules of Property and Liability</u>					
R- 3. Amend Nebraska statutes to explicitly recognize a landowners's right to capture and use diffused surface water present on his land, provided the captured water is used for reasonable or beneficial purposes.	Rec. Pg. ii Alt. Pg. 4-11	Not Applicable	None	No Action	
R- 4. Adopt a comprehensive water conservation statute which requires landowners to adopt practices that will bring soil erosion losses within acceptable limits.	Rec. Pg. ii Alt. Pg. 4-12	Not Applicable	LB 474 (1986) (Passed)	Complete Action	
R- 5. Amend Nebraska statutes to codify the reasonable use rule of liability for interference with the flow of diffused surface water.	Rec. Pg. ii Alt. Pg. 4-16	Not Applicable	LB 489 (1985) (Did Not Pass)	Unsuccessful Attempted Action	

R = Recommendation
 Rec. = Recommendation
 A = Alternative
 Alt. = Alternative

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>Urban Runoff</u>					
R- 6. Adopt a comprehensive statutory scheme relating to management and control of storm water runoff (from urban areas) that gives due regard to the interests of downstream landowners.	Rec. Pg. iii Alt. Pg. 4-22	Not Applicable	LB 1186 (1986) (Did Not Pass)	Unsuccessful Attempted Action	
<u>Non-Uniform Provisions Governing Political Subdivisions</u>					
R- 7. Specify a uniform set of drainage powers for cities and villages and eliminate obsolete or unnecessary provisions relating to counties.	Rec. Pg. iii Alt. Pg. 4-30	Not Applicable	None	No Action	
<u>Public Drainage Projects</u>					
R- 8. Amend Nebraska statutes to provide a single statutory mechanism for organizing and operating public drainage projects in Nebraska.	Rec. Pg. iii Alt. P.g 4-32	Not Applicable	None	No Action	
<u>Lakes</u>					
R- 9. Amend Nebraska statutes to provide that a prior appropriated permit must be secured before a landowner can divert water from a natural lake.	Rec. Pg. iii Alt. Pg. 4-24	Not Applicable	None	No Action	
R-10. Amend Nebraska statutes to provide that a permit must be secured before draining a natural lake.	Rec. Pg. iii Alt. Pg. 4-25	Not Applicable	None	No Action	
<u>Wetlands</u>					
R-11. Adopt a comprehensive regulatory program designed to identify, preserve, and protect critical wetland areas.	Rec. Pg. iii Alt. Pg. 4-29	Not Applicable	None	No Action	
<u>Drainage of Diffused Surface Water - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u>					
A- 1. Make no change in the scope or content of definitions currently found in the drainage sections of the Nebraska statutes.	Alt. Pg. 4-4				Thus far, no significant changes have occurred.
A- 2. Amend Nebraska statutes to provide that natural drainway is to be defined solely with reference to presently existing drainage patterns.	Alt. Pg. 4-7	Not Applicable	None	No Action	

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A- 3. Amend Nebraska statutes to provide that natural drainway is to be defined solely with reference to historical drainage patterns that pre-date man-made changes.	Alt. Pg. 4-7	Not Applicable	None	No Action	
A- 4. Make no change in Nebraska law concerning property rights in or liability for the avoidance of diffused surface water and continue to rely on the evolution of the common law to resolve disputes.	Alt. Pg. 4-9				
A- 5. Amend Nebraska statutes to explicitly recognize a landowner's absolute right to capture and use diffused surface water present on his land.	Alt. Pg. 4-10	Not Applicable	None	No Action	
A- 6. Amend Nebraska statutes to provide that a landowner can capture and use diffused surface water present on his land only after securing a permit from a designated regulatory authority.	Alt. Pg. 4-11	Not Applicable	None	No Action	
A- 7. Amend Nebraska statutes to codify the common enemy doctrine of liability for interference with the flow of diffused surface water.	Alt. Pg. 4-14	Not Applicable	None	No Action	
A- 8. Amend Nebraska statutes to codify the civil law natural flow doctrine of liability for interference with the flow of diffused surface water.	Alt. Pg. 4-15	Not Applicable	None	No Action	
A- 9. Amend Nebraska statutes to codify the common law rule of liability for interference with the flow of diffused surface water that is currently expressed in Nebraska case law.	Alt. Pg. 4-18	Not Applicable	None	No Action	
A-10. Amend Nebraska statutes to codify a reasonable use drainage statute that incorporates most substantive principles of existing law.	Alt. Pg. 4-18	Not Applicable	LB 489 (1985) (Did Not Pass)	Unsuccessful Attempted Action	This alternative is a variation of the preceding Commission recommendation R#5 noted in this table. LB 489 would have resulted in implementation of a substantive portion of this alternative.
A-11. Amend Nebraska statutes to adopt a unique urban rule of liability for interference with the flow of diffused surface water.	Alt. Pg. 4-20	Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A-12. Amend Nebraska statutes to provide that urban and suburban developers are liable to downstream landowners for any injury resulting from increased peak streamflows consequent to the development.	Alt. Pg. 4-21	Not Applicable	None	No Action	
A-13. Make no change in existing law relating to property rights or drainage rights in natural lakes or wetlands.	Alt. Pg. 4-23				
A-14. Expand existing state programs and/or develop new programs authorizing the state to acquire wetlands by purchase or otherwise, where preservation of such wetlands would serve an important public purpose.	Alt. Pg. 4-26	None	None	No Action	Action is underway on this at the Federal level through the 404 program.
A-15. Expand the wetlands acquisition portion of the habitat programs currently administered by the Nebraska Game and Parks Commission.	Alt. Pg. 4-26	None	None	No Action	
A-16. Establish a broad program of wetlands acquisition to be administered by an agency that has broader responsibilities than the Nebraska Game and Parks Commission.	Alt. Pg. 4-26	Not Applicable	None	No Action	
A-17. Encourage landowners to preserve wetlands by offering cooperators a tax credit.	Alt. Pg. 4-27	Not Applicable	None	No Action	
A-18. Adopt a state water banking act to encourage the withdrawal of wetlands from development for a predetermined number of years.	Alt. Pg. 4-28	Not Applicable	None	No Action	
A-19. Clarify the jurisdiction authority of the Department of Water Resources disputes involving drainage of diffused surface water.	Alt. Pg. 4-31	Not Applicable	LB 897 (1984) (Passed)	Action Contrary To Alternative	LB 897 repealed previous DWR jurisdiction over drainage matters.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<p style="text-align: center;"><u>GROUNDWATER RESERVOIR MANAGEMENT - March 1982</u></p> <p><u>Groundwater Reservoir Management - Recommendations of the Natural Resources Commission</u></p> <p>R- 1. We should move beyond the policy expressed in the Groundwater Management and Protection Act.</p>	Rec. Pg. iii		LB 375 (1982) (Passed) LB 1106 (1984) (Passed) LB 198 (1983) (Passed) LB 894 (1986) (Passed) Were Most Applicable	Action Taken	
R- 2. We should strengthen the ability of NRDs to manage groundwater use and development.	Rec. Pg. iii Alt. Pg. 67	None	LB 375 (1983) (Passed) LB 1106 (1984) (Passed) LB 894 (1986) (Passed) Were Most Applicable	Substantial Action	
R- 3. Control areas should be required if "problems areas" develop. Natural resources districts should be subject to suit if they do not declare control areas in these problem areas.	Rec. Pg. iii	Yes	LB 379 (1983) (Did Not Pass) LB 595 (1983) (Did Not Pass)	Unsuccessful Attempted Action	LB 1106 did require all NRDs to develop groundwater management plans. LB 894 (Passed in 1986) does not require control areas under certain conditions in water quality problem areas. However, this recommendation was originally made with an emphasis on quantity problems.
R- 4. All NRDs should develop management plans based on the best information currently available.	Rec. Pg. iii	Yes	LB 1106 (1984) (Passed)	Complete Action	Adopted and implemented.
R- 5. Among other things, NRDs would identify the principle aquifer(s) and a definition of what constitutes a problem area.	Rec. Pg. iii	Yes	LB 1106 (1984) (Passed)	Substantial Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
R- 6. The legislature should adopt a maximum allowable depletion rate which is no greater than 5 percent over a five year period.	Rec. Pg. iii	Not Applicable	LB 379 (1983) (Did Not Pass)	Unsuccessful Attempted Action See Comments	State policy now allows NRDs to set their own reservoir life goals.
R- 7. The role of director of Department of Water Resources in control area designation should be limited to technical review of plans.	Rec. Pg. iii	Not Applicable	LB 1106 (1984) (Passed)	See Comments	In control areas, the director continues to have approval powers. LB 1106 gives the director of Water Resources both technical review and approval duties for management plans.
R- 8. If NRDs fail to submit management plans, sanctions might include withholding of funds for resources development or water conservation.	Rec. Pg. iv	Not Applicable	None	No Action	
R- 9. An NRD that fails to make a timely request for a control area designation would be subject to civil suit.	Rec. Pg. iv	Not Applicable	None	No Action	
R- 10. Research and educational programs in the areas of improved irrigation practices should be strengthened by better coordination and emphasis on the proper programs. Funding should then be increased and allocated to programs showing merit.	Rec. Pg. iv Alt. Pg. 63	See Comments	None	Partial Action	Use of State money for the hiring of additional agricultural extension specialists in recent years may have helped the situation. However, potential Federal cuts in funding for Extension programs may more than cancel that effect.
R-11. The legislature should grant NRDs authority to impose penalties on water users who exceed allocations.	Rec. Pg. iv Alt. Pg. 73	Yes	LB 375 (1982) (Passed)	Substantial Action	This authority was available in control areas even prior to the recommendation. Similar penalties are now in effect in management areas.
R-12. Authorizing issuance of bonds and increased state appropriations for the development of supplemental water supplies is an essential component of groundwater reservoir management.	Rec. Pg. iv Alt. Pg. 73	Not Applicable	LB 1106 (1984) (Passed) LR 18 CA (1986) (Did Not Pass)	Partial Action	LB 1106 authorizes the issuance of Revenue Bonds for Water Development Projects. However, state appropriations for water development have not been increased and no authority exists for general obligation bonds.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)					
Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
R-13. Moratorium authority is a necessary management option.	Rec. Pg. iv Alt. Pg. 70	Not Applicable	See Comments	See Comments	Moratoriums were allowed in groundwater control areas prior to passage of the recommendation. They are still not allowed in groundwater management areas.
R-14. The question of basin allocations on irrigated acres or irrigable acres should be determined at the local NRD level.	Rec. Pg. iv	Not Applicable	LB 375 (1982) (Passed)	See Comments	In control areas, this was a local decision even prior to this recommendation. LB 375 allows allocations in management areas only if based upon irrigated acres. Thus, it directly conflicts with the recommendation.
<u>Groundwater Reservoir Management - Recommended by the Natural Resources Commission in a Limited or Specific Sense</u>					
1. Enact legislation increasing state funding for research and educational activities to improve irrigation practices.	Alt. Pg. 63	Yes	None	Partial Action	The Commission recommendation (the previous R#10 in this table) was that more emphasis be placed on proper programs before funding is increased and allocated to programs showing merit. Some additional Extension Service personnel have been hired. However, there are currently plans for cutting Federal funding to Extension programs.
2. Enact legislation requiring groundwater withdrawals and/or development to be restricted in problem areas.	Alt. Pg. 67	None	LB 1106 (1984) (Passed)	Extremely Limited Action	This alternative was adopted by the Commission in a more specific form. LB 1106 provided that all natural resources districts must complete management plans including groundwater reservoir life goals. However, in no sense did it require mandatory restrictions.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>Groundwater Reservoir Management - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u>					
A- 1. Enact no new groundwater management legislation and do not modify existing groundwater legislation.	Alt. Pg. 54				Passage of LB 375 (1982), LB 1106, LB 198 (1983), LB 894 (1986), and other legislation since this alternative was presented. Thus, considerable action has occurred.
A- 2. Enact legislation modifying the Groundwater Management and Protection Act by repealing or eliminating specific provisions of the act.	Alt. Pg. 57	None	None	No Action	Most changes in Nebraska's Groundwater Management statutes have involved addition of provisions rather than elimination of existing ones.
A- 3. Enact legislation establishing state income tax credit for irrigation equipment and development costs.	Alt. Pg. 60	None	None	No Action	
A- 4. Enact legislation establishing a Groundwater Depletion Payment.	Alt. Pg. 62	None	None	No Action	No such state legislation has been introduced.
A- 5. Enact legislation providing financial incentives for improved irrigation practices.	Alt. Pg. 65	None	None	No Action	
A- 6. Enact legislation requiring irrigators to adopt improved irrigation practices.	Alt. Pg. 66	None	LB 894 (1986) (Passed) LB 375 (1982) (Passed)	Partial Action	LB 375 and LB 894 can be used to encourage or require irrigation efficiency for water quantity or quality purposes.
A- 7. Enact legislation establishing a fee for withdrawing groundwater.	Alt. pg. 72	None	None	No Action	In the Supplemental Water Supplies and Integrated Management of Surface Water and Groundwater reports, various forms of water use fees were subsequently advocated by the Commission.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>INSTREAM FLOWS - JANUARY 1982</u>					
<u>Instream Flows - Recommendations of the Natural Resources Commission</u>					
R- 1. Allow instream needs to be met through stored water.	Rec. Pg. viii Alt. Pg. 81	None	LB 1106 (1984) (Passed) LB 102e (1985) (Passed)	Substantial To Complete Action	Under LB 1106, natural resources districts and the Game and Parks Commission identify stream segments having a critical need for instream flows. Storage is specifically recognized as one way of obtaining flow.
R- 2. Provide for a system of State-administered protected stream reaches. (The Commission recommended that designation of protected reaches should be the responsibility of the natural resources districts, rather than the state.)	Rec. Pg. viii Alt. Pg. 78	None	LB 1106 (1984) (Passed) LB 102e (1985) (Passed)	Partial Action	Under LB 1106, natural resources districts and the Game and Parks Commission identify stream segments having a critical need for instream flows. Designation is by the Department of Water Resources. The reaches involved are not otherwise protected, such as through land use controls.
R- 3. If a stream is designated as a protected stream, subsequent permits issued by the Department of Water Resources would be junior to the instream flow permit. Junior permits would only apply to water in excess of instream needs. Water rights held prior to the designation would remain unaffected.	Rec. Pg. viii	None	LB 1106 (1984) (Passed) LB 102e (1985) (Passed)	Complete Action	
R- 4. Numerous considerations should be investigated and resolved before designations take effect. These include restrictions on development of groundwater adjacent to or upstream from a designated stream, amount of land to be included, and use of groundwater to supplement natural flow.	Rec. Pg. viii	None	LB 1106 (1984) (Passed) LB 102e (1985) (Passed)	Partial Action	Under LB 1106, no attempt is made to protect other than the flows themselves and no restrictions placed on groundwater use. Other factors are, however, considered before decisions are made.
<u>Instream Flows - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u>					
A- 1. Continue present policy.	Alt. Pg. 69		LB 1106 (1984) (Passed) LB 102e (1985) (Passed)	Action Contrary To Alternative	Passage of LB 1106 (1984) established a new policy.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)					
Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A- 2. Declare that natural flow permits may be issued for instream uses.	Alt. Pg. 75	None	LB 1106 (1984) (Passed) LB 102e (1985) (Passed)	Partial Action	LB 1106 allows for the issuance of natural flow permits to natural resources districts or the Game and Parks Commission for fish, wildlife, and recreation only.
A- 3. Prohibit issuance of natural flow permits for instream uses.	Alt. Pg. 89	Not Applicable	LB 1106 (1984) LB 102e (1983)	Action Contrary To Alternative	
A- 4. Authorize the establishment of protected flow levels.	Alt. Pg. 78	Not Applicable	LB 1106 (1984) (Passed) LB 102e (1985) (Passed)	Partial Action	Although the procedure is different, LB 1106 allows the Department of Water Resources to issue instream flow permits as noted above.
A- 5. Prohibit the exercise of the director's discretionary authority as a means of protecting instream uses.	Alt. Pg. 90	Not Applicable	None	No Action	
A- 6. Prohibit the use of stored water for instream flow maintenance.	Alt. Pg. 90	Not Applicable	None	Action Contrary To Alternative	Both LB 1106 (passed in 1984) and the Natural Resources Commission recommendations directly contradict this recommendation.
A- 7. Authorize the Department of Water Resources to reassign abandoned or unused natural flow permits for instream uses.	Alt. Pg. 83	Not Applicable	None	No Action	
A- 8. Allow the voluntary transfer of natural flow permits for instream uses.	Alt. Pg. 83	Not Applicable	LB 1210 (1986) (Did Not Pass)	No Action	
A- 9. Prohibit the voluntary transfer of natural flow permits for instream uses.	Alt. Pg. 91	Not Applicable	None	No Action	
A-10. Declare that groundwater may be used to supplement natural flow to meet instream flow needs.	Alt. Pg. 85	Not Applicable	None	No Action	Although not recommended by the Natural Resources Commission in the Instream Flow Study, this alternative was later recommended in the Policy Issue Study on Integrated Management of Surface Water and Groundwater.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)					
Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A-11. Impose restrictions on the use of groundwater.	Alt. Pg. 86	Not Applicable	None	No Action	Some Commission recommendations in the Policy Issue Study on Integrated Management of Surface Water and Groundwater partially address this alternative.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
INTEGRATED MANAGEMENT OF SURFACE WATER AND GROUNDWATER - April 1986					
<u>Integrated Management of Surface Water and Groundwater - Recommendations of the Natural Resources Commission</u>					
R- 1. Adopt principles of equity in cases of interference between groundwater users and surface-water users.	Rec. Pg. iii Alt. Pg. 79	Not Applicable	None	No Action	
R- 2. Allow groundwater control areas to be declared when it is determined that groundwater pumping substantially impacts surface-water users.	Rec. Pg. iv Alt. Pg. 80	Not Applicable	None	No Action	
R- 3. Expand research into the impact of groundwater pumping on streamflow, lakes, and wetlands.	Rec. Pg. iv Alt. Pg. 83	None	None	No Action	
R- 4. Adopt principles of equity in cases of interference between streamflow users and groundwater users.	Rec. Pg. v Alt. Pg. 94	Not Applicable	None	No Action	
R- 5. Allow public water systems to obtain surface-water rights if their source of supply is dependent on induced recharge from a stream.	Rec. Pg. v Alt. Pg. 95	Not Applicable	None	No Action	
R- 6. Expand research of data collection related to impact of streamflow uses on recharge of groundwater.	Rec. Pg. v Alt. Pg. 97	None	None	No Action	
R- 7. Declare that groundwater may be transferred off the overlying land to meet instream, irrigation, or other needs, or maintain lake or wetland water levels.	Rec. Pg. v Alt. Pg. 103	Not Applicable	None	No Action	
R- 8. Expand research into the impacts of using groundwater pumping to supplement streamflow to meet instream, irrigation, municipal and other needs, or to maintain lake, wetland or reservoir levels.	Rec. Pg. vi Alt. Pg. 104	None	None	No Action	
R- 9. Require new water development projects to address water use efficiency methods, potential drainage problems and recharge benefits in the planning stages of a project prior to application for a water right, or to secure state funding or advocacy.	Rec. Pg. vi Alt. Pg. 111	Not Applicable	None	No Action	

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
R-10. Require that groundwater be used instead of surface water in selected areas where a high water table has cause or is likely to cause damage. Districts could drill wells in such areas.	Rec. Pg. vi Alt. Pg. 111	Not Applicable	None	No Action	
R-11. Expand research into the impacts of water table rises due to surface-water projects and how those impacts may be either minimized or maximized as desirable.	Rec. Pg. vi Alt. Pg. 112	None	None	No Action	
R-12. Give districts engaged in groundwater recharge the rights to use fees and regulation to attain exclusive control of water they have stored underground and to achieve a balanced use of surface water and groundwater.	Rec. Pg. vii Alt. Pg. 125	Not Applicable	None	No Action	
R-13. Allow districts to levy an additional property tax to generate funds for construction of groundwater replenishment projects.	Rec. Pg. vii Alt. Pg. 125	Not Applicable	None	No Action	
R-14. Expand research related to the impacts of integrating use of groundwater and surface-water supplies.	Rec. Pg. vii Alt. Pg. 128	None	None	No Action	
<u>Integrated Management of Surface Water and Groundwater - Alternative Only Partially Recommended by the Natural Resources Commission</u>					
1. Allow districts to levy the following types of pump taxes: (1) A general pump tax, (2) A replenishment assessment, (3) A net pump tax on water used beyond an allocated amount.	Alt. Pg. 127	Not Applicable	None	No Action	
<u>Integrated Management of Surface Water and Groundwater - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u>					
A- 1. Continue current policies relating to the impact of groundwater pumping on streamflow, lake, and wetland areas. (p. 4-22)	Alt. Pg. 78				This study was only recently completed and there has been little opportunity to change previous policies.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A- 2. Allow groundwater users to (1) make any beneficial use of groundwater under their land without incurring liability from any resulting injury to surface water users or (2) make such beneficial use without liability if the groundwater is used on overlying land and the purpose of use is reasonable. (p. 4-23)	Alt. Pg. 78	Not Applicable	None	No Action	
A- 3. Establish cut-off boundary system which creates either a conclusive or rebuttable legal presumption that groundwater levels between the cut-off point and the streambank directly affect streamflow. (p. 4-23)	Alt. Pg. 79	Not Applicable	None	No Action	
A- 4. Make groundwater users liable only for injury resulting to surface water users in higher preference categories. (p. 4-23)	Alt. Pg. 80	Not Applicable	None	No Action	
A- 5. Apply a common pool-correlative rights principle.	Alt. Pg. 80	Not Applicable	None	No Action	
<p>A- 6. Put groundwater rights in selected "tributary" areas in an appropriative system and coordinate with the surface water rights system. In "tributary" areas where groundwater pumping would impact surface flow within a specified number of years prohibit new wells unless junior groundwater appropriators meet one of four requirements. (p. 4-28)</p> <p>(a) Require junior groundwater appropriators to provide substitute water to senior water appropriators by developing additional supplies for use as needed by senior surface appropriators or by purchasing water for their use.</p> <p>(b) Require junior groundwater appropriators to retire senior surface appropriations by purchase.</p> <p>(c) If groundwater is available require junior groundwater appropriators who dry up surface water rights to provide wells which allow senior surface water appropriators to use groundwater.</p> <p>(d) Allow surface water users to transfer their priority date to a well.</p>	Alt. Pg. 81	Not Applicable	None	No Action	Parts of these alternatives were incorporated in another Commission recommendation.
A- 7. Continue current policies relating to the impacts of streamflow uses on recharge of groundwater. (p. 5-11)	Alt. Pg. 93				

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A- 8. Establish a cut-off system which creates either a conclusive or rebuttable legal presumption that wells within the cut-off boundary are dependent upon induced recharge from the stream.	Alt. Pg. 93	Not Applicable	None	No Action	
A- 9. Make surface-water users liable if their actions result in injury to groundwater users in higher preference categories.	Alt. Pg. 94	Not Applicable	None	No Action	
A-10. Apply a common pool-correlative rights principle to groundwater and surface-water disputes	Alt. Pg. 94	Not Applicable	None	No Action	
A-11. Allow groundwater irrigators whose flow is derived substantially from surface recharge to obtain surface water rights.	Alt. Pg. 95	Not Applicable	None	No Action	
A-12. Allow subirrigators whose flow is derived substantially from surface recharge to obtain surface water rights.	Alt. Pg. 95	Not Applicable	None	No Action	
A-13. Continue current policies related to utilization of groundwater to supplement natural flow needs, wetland needs, or maintain lake or reservoir levels.	Alt. Pg. 103				This study was only recently completed and there has been little opportunity to change previous policies.
A-14. Continue current policies in relation to water development projects which cause a rising water table.	Alt. Pg. 110				This study was only recently completed and there has been little opportunity to change previous policies.
A-15. Continue current policies related to integrating the long term use of the groundwater and surface water supply in a manner that maintains or increases the effectively usable supply. (p. 7-6)	Alt. Pg. 123				This study was only recently completed and there has been little opportunity to change previous policies.
A-16. Create and maintain a state fund specifically for integrated management projects or give special consideration to integrated management benefits under existing funding arrangements. (p. 8-14)	Alt. Pg. 123	Not Applicable	None	No Action	
A-17. Provide financial incentives for recharge in groundwater control or management areas. (p. 8-15)	Alt. Pg. 124	Not Applicable	None	No Action	

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A-18. Require senior surface water appropriators in selected areas to use available groundwater before calling on junior surface water appropriators that have no access to groundwater. Require either private or public compensation for the costs involved. (p. 8-16)	Alt. Pg. 124	Not Applicable	None	No Action	
A-19. Allow districts a designated additional property tax levy which can be used for construction of groundwater replenishment projects.	Alt. Pg. 125	Not Applicable	None	No Action	
A-20. Allow districts to make basin equity assessments.	Alt. Pg. 125	Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
INTERSTATE WATER USES AND CONFLICTS - April 1983					
<u>Interstate Water Uses and Conflicts - Recommendations of the Natural Resources Commission</u>					
R- 1. Authorize and initiate the negotiation and formation of interstate agreements or compacts on interstate streams on which no compacts currently exist.	Rec. Pg. i Alt. Pg. 3-2	Not Applicable	LB 1058 (1984) (Passed) LB 705 (1985) (Very Partially Addressed) (Passed)	Partial Action	Some bills relating to the Missouri River have been passed.
R- 2. Declare that natural flow permits may be issued for other beneficial uses including instream uses.	Rec. Pg. i Alt. Pg. 3-4	Not Applicable	LB 1106 (1984) (Passed) LB 198 (1983) (Passed) LB 102 (1985) (Passed)	Partial Action	LB 1106 allows permits to certain government entities under restricted conditions. LB 198 allows permits for underground storage of surface water.
R- 3. Strengthen the interstate groundwater transfer statutes.	Rec. Pg. i Alt. Pg. 3-5	Not Applicable	LB 1060e (1984) (Passed)	Partial Action	LB 1060e partially implemented this alternative, but did not contain all the potential restrictions on transfers mentioned in the report.
R- 4. Seek funding for additional water retention structures.	Rec. Pg. ii Alt. Pg. 3-6			Unsuccessful Attempted Action	State appropriations to the Resources Development Fund have dropped since this recommendation was made. The Water Management Fund received an original appropriation of \$500,000. However, that appropriation was subsequently rescinded.
R- 5. Enact a statute requiring that persons comply with an out-of-state law as a condition for receiving a Nebraska permit to conduct cloud seeding activities in Nebraska designed to have an impact out-of-state.	Rec. Pg. ii Alt. Pg. 3-8	Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>Interstate Water Uses and Conflicts - Alternatives Not Receiving a Recommendation from the Natural Resources Commission</u>					
A- 1. Make no changes in present policies.	Alt. Pg. 3-2			Action Contrary To Alternative	LB 1058 (1984), 1106 (1984), and 1060e (1984), LB 198 (1983), and LB 705 (1985) all changed previous policies pertinent to interstate water uses and conflicts.
A- 2. Authorize and initiate the negotiation and formation of interstate compacts with states sharing interstate groundwater basins with Nebraska.	Alt. Pg. 3-3		None	No Action	
A- 3. Provide that certain uses of water are not considered beneficial uses.	Alt. Pg. 3-5	Not Applicable	None	No Action	
A- 4. Provide for the reservation of waters by the Department of Water Resources to fulfill public interest.	Alt. Pg. 3-6	Not Applicable	None	No Action	
A- 5. Authorize a state agency to offer to buy water rights in another state.	Alt. Pg. 3-7	Not Applicable	LB 1210 (1986) (Did Not Pass)	No Action	Under LB 1210, the Water Management Board would have been authorized to buy and sell water rights.
A- 6. Authorize and initiate the negotiation and formation of an interstate weather modification compact.	Alt. Pg. 3-8	Not Applicable	None	No Action	
A- 7. Authorize a state agency to participate in the construction of projects in other states in return for a voice in project operations.	Alt. Pg. 3-7	Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
MUNICIPAL WATER NEEDS - March 1983					
<u>Municipal Water Needs - Recommendations of the Natural Resources Commission</u>					
R- 1. Recognize municipal water use in the constitution and statutes as having a preference equal to or secondary only to domestic use.	Rec. Pg. v Alt. Pg. 10-3	Not Applicable	LB 381 (1983) (Did Not Pass)	Unsuccessful Attempted Action	
R- 2. Act to allow voluntary sale or transfer of surface water rights for municipal use.	Rec. Pg. vi Alt. Pg. 10-6	Not Applicable	LB 1210 (1986) (Did Not Pass)	Unsuccessful Attempted Action	LB 21 (1983) allows voluntary sale in some circumstances, but only between users in the same preference category. LB 1210 would have allowed municipalities to purchase rights.
R- 3. Authorize cities and villages to apply limited zoning and land use controls to areas within a prescribed distance of their water supply sources in addition to existing authority within designated distances from their existing corporate boundaries.	Rec. Pg. vi Alt. Pg. 10-9	Not Applicable	None	No Action	
R- 4. State develop standards and permit system for storage of chemicals and petroleum and delegate administration of the system to the proper authority.	Rec. Pg. vi Alt. Pg. 10-10	Not Applicable	LB 217 (1986) (Passed)	Complete Action	
R- 5. Require filed audits from all political subdivisions owning water systems and specify separate accounting for income, expenditures, and accumulation and disposition of reserve funds associated with the water system.	Rec. Pg. vii Alt. Pg. 10-12	Not Applicable	None	No Action	
R- 6. Establish a state fund similar to the Natural Resources Development Fund to provide relief for municipal water systems needing improvement.	Rec. Pg. vii Alt. Pg. 10-15	Not Applicable	None	No Action	
R- 7. Adopt legislation requiring municipal systems to install back-flow prevention devices on all service connections, chlorinate or otherwise disinfect water, and sell water through meters or other measuring devices.	Rec. Pg. vii Alt. Pg. 10-15	Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
R- 8. Encourage large municipal systems to share the source of supply with smaller communities through Development Fund grants or loans and NRD assistance.	Rec. Pg. viii Alt. Pg. 10-18	Unknown	Not Applicable	Unknown	No survey has been made of the degree to which communities have considered this option.
R- 9. Increase state assistance and fees to replace diminished federal assistance for the purpose of encouraging local responsibility and application related to drinking water safety.	Rec. Pg. vii Alt. Pg. 10-20	Not Applicable	None	No Action	
R-10. Provide state funding to continue the water use data project.	Rec. Pg. viii Alt. Pg. 10-20	Not Applicable	None	No Action	
<u>Municipal Water Needs - Alternatives Not Receiving Recommendation by the Natural Resources Commission</u>					
A- 1. Make no changes in the legal-institutional structure relating to municipal water use, management authorities, source acquisition, and protection of groundwater quality and quantity.	Alt. Pg. 10-1			Very Limited Action Contrary To Alternative	There have been some legislative changes relevant to municipal water use, especially related to protection of groundwater quality (for instance LB 894, 1986).
A- 2. Allow public water systems with induced recharge wellfields (such as the Ashland wellfield adjacent to the Platte River) to obtain surface water rights. (Induced recharge involves locating specially designed wells close to surface water sources.)	Alt. Pg. 10-4	Not Applicable	None	No Action	The Commission recommended that a final decision on this alternative be postponed until completion of the Policy Issue Study on Integrated Management of Surface Water and Groundwater. In that study, the Commission did recommend a very similar alternative.
A- 3. Allow cities and villages to reserve future streamflow and condition other future water rights on utilization of such reserved rights.	Alt. Pg. 10-7	Not Applicable	None	No Action	
A- 4. Revise the selection of Natural Resource District Boards to better reflect population patterns.	Alt. Pg. 10-8	Not Applicable	LB 302 (1986) (Passed)	Very Limited Action	LB 302 would allow NRDs to apply to the Commission for a change in Board size. Population and land use would be factors the Commission would be required to take into account.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A- 5. Make no change in the legal-institutional structure regarding municipal water system acquisition and management, fiscal responsibility and accountability, methods of financing expansion or improvements, and protection against the entrance of contaminants.	Alt. Pg. 10-11			Very Limited Action Contrary To Alternative	LB 387 (passed in 1985) did broaden the powers of the Conservation Corporation Act for an expanded list of practices. Eligible practices include water supply.
A- 6. Initiate a review of statutory law relating to municipal water systems to eliminate absolute language, standardize authorities and clarify responsibilities.	Alt. Pg. 10-11	Not Applicable	None	No Action	
A- 7. Provide for state regulatory agency review and acceptance of local management and fiscal decisions.	Alt. Pg. 10-13	Not Applicable	None	No Action	
A- 8. Place responsibility for the operation and management of small municipal water systems with the natural resources districts.	Alt. Pg. 10-16	None	None	No Action	
A- 9. Accept a diminishing level of state assistance and service to municipal and other public water systems as federal funding support is reduced.	Alt. Pg. 10-18	Not Applicable	None	No Action	This alternative essentially calls for no new state action and essentially no new pertinent state action has been taken since this recommendation was made.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
PREFERENCES IN THE USE OF WATER - December 1981					
<u>Preferences in the Use of Water - Recommendations of the Natural Resources Commission</u>					
R- 1. Municipal use of water ought to be divided into two categories: (1) domestic municipal use, and (2) non-domestic municipal use. Domestic municipal use should have the same preferences as all other domestic uses and the non-domestic portion should receive a preference immediately after manufacturing.	Rec. Pg. iv Alt. Pg. 4-10	Not Applicable	LB 850 (1982) (Did Not Pass) LB 915 (1982) (Did Not Pass)	Unsuccessful Attempted Action	The Commission subsequently revised this recommendation. It is thus no longer in force. The recommendation is now that municipal water use be recognized as having a preference equal to or secondary only to domestic use.
R- 2. Energy uses which result in the consumption of large amounts of water should be treated separately from manufacturing and industrial uses and should be located after manufacturing in the preferences list.	Rec. Pg. iv Alt. Pg. 4-12	Not Applicable	LB 850 (1982) (Did Not Pass) LB 915 (1982) (Did Not Pass)	Unsuccessful Attempted Action	
R- 3. Provision should be made to allow water to be reserved for future preferred uses, at least for domestic municipal uses.	Rec. Pg. v Alt. Pg. 4-18	Not Applicable	None	No Action	
R- 4. Preferences ought to be considered when initial water allocation decisions are being made, not just when shortages actually occur.	Rec. Pg. v Alt. Pg. 4-22	Not Applicable	None	No Action	
R- 5. The present definition of "domestic use" for groundwater, which includes uses necessary for health, fire control, and sanitation and for domestic livestock when part of a normal farm or ranch operations, should also be adopted for surface water.	Rec. Pg. v Alt. Pg. 4-23	Not Applicable	None	No Action	
R- 6. The term "manufacturing" as used in preferences laws should be defined to include industrial and commercial uses other than large energy uses.	Rec. Pg. iv Alt. Pg. 4-14	Not Applicable	LB 850 (1982) (Did Not Pass)	Unsuccessful Attempted Action	
R- 7. Domestic use of surface water should have an absolute preference so that compensation to non-domestic users would not be required when the water is needed for domestic purposes. However, compensation should be required when the competition for the water is between non-domestic users.	Rec. Pg. vi Alt. Pg. 2-26	Not Applicable	None	No Action	

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
R- 8. Water uses which are recognized in the surface water preferences list ought to be subject to and receive the same protection from those preferences whether the use of water is direct through diversion or indirect through well field induced recharge.	Rec. Pg. vi Alt. Pg. 4-28	Not Applicable	None	No Action	
R- 9. Reasonable standards should be imposed when groundwater preferences are used to protect pumping levels or other factors affecting the ease of access by a preferred user to the groundwater supply.	Rec. pg. vi Alt. Pg. 4-31	Not Applicable	None	No Action	
<u>Preferences in the Use of Water - Alternatives Partially Recommended by the Natural Resources Commission</u>					
1. Modify the preferences system by adding municipal use.	Alt. Pg. 4-10	Not Applicable	LB 850 (1982) (Did Not Pass) LB 915 (1982) (Did Not Pass)	Unsuccessful Attempted Action	In the water use preference study, the Commission recommended domestic municipal use have the same preference as other domestic uses and non-domestic municipal use receive a preference following manufacturing. In the Municipal Water Needs study that recommendation was revised to have all municipal uses as having preferences equal to or secondary only to domestic use.
2. Allow reservation of water for preferred uses.	Alt. Pg. 4-18	Not Applicable	None	No Action	
3. Define the water use terms used in preferences provisions.	Alt. Pg. 4-23	Not Applicable	LB 849 (1982) (Did Not Pass) LB 850 (1982) (Did Not Pass) LB 915 (1982) (Did Not Pass)	No Action	LB 849 (1982) would have defined some of the key terms in the preference provisions.
4. Make compensation a requirement in the exercise of groundwater preferences.	Alt. Pg. 4-30	Not Applicable	None	No Action	
5. Repeal the requirement that compensation be paid to exercise a preference.	Alt. Pg. 4-26	Not Applicable	LB 849 (1982) (Did Not Pass)	Unsuccessful Attempted Action	LB 849 would have limited the compensation a domestic user could receive in a preferences conflict.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
6. Modify the preferences system by adding other consumptive uses.		Not Applicable	LB 850 (1982) (Did Not Pass)	Unsuccessful Attempted Action	LB 850 (1982) would have added high volume industrial uses.
<u>Preferences in the Use of Water - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u>					
A- 1. Make no changes in present policies.	Alt. Pg. 4-4				Thus far, no significant changes have been made.
A- 2. Abolish all preference systems except for domestic use.	Alt. Pg. 4-9	Not Applicable	None	No Action	
A- 3. Make manufacturing, commercial and industrial uses superior to agricultural uses.	Alt. Pg. 4-12	Not Applicable	LB 850 (1982) (Did Not Pass)	Unsuccessful Attempted Action	Under LB 850, commercial municipal use would have had preference above that of agriculture.
A- 4. Repeal current preferences and substitute a flexible preferences system.	Alt. Pg. 4-16	Not Applicable	None	No Action	
A- 5. Clearly authorize or deny the right of private individuals to utilize eminent domain to exercise a preference.	Alt. Pg. 4-25	Not Applicable	None	No Action	
A- 6. Modify the preferences system by adding instream uses.	Alt. Pg. 4-28	Not Applicable	None	No Action	Fish, wildlife, and recreation have been added as beneficial uses of water, but they do appear in the preference systems.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<p style="text-align: center;"><u>PROPERTY RIGHTS IN GROUNDWATER - January 1983</u></p> <p><u>Property Rights in Groundwater - Recommendation of the Natural Resources Commission</u></p> <p>R- 1. Make no change in present policy.</p>	Rec. Pg. i Alt. Pg. 3-3			See Comment	As recommended, no action has been taken, but the Nebraska Supreme Court has declared groundwater to be the property of the public.
<p><u>Property Rights in Groundwater - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u></p> <p>A- 2. Adopt the English Rule of Absolute Ownership as the definition of groundwater property rights in Nebraska.</p>	Alt. Pg. 3-3	Not Applicable	None	No Action	
<p>A- 3. Adopt the American Rule of Reasonable Use as the definition of groundwater property rights in Nebraska.</p>	Alt. Pg. 3-4	Not Applicable	None	No Action	
<p>A- 4. Adopt the California Rule of Correlative Rights as the definition of groundwater property rights in Nebraska.</p>	Alt. Pg. 3-6	Not Applicable	None	No Action	
<p>A- 5. Adopt a Rule of Reasonable Use as developed in certain eastern states as the definition of groundwater property rights in Nebraska.</p>	Alt. Pg. 3-9	Not Applicable	None	No Action	
<p>A- 6. Adopt the reasonable use rules found in the RESTATEMENT (SECOND) OF TORTS §858 as the definition of groundwater property rights in Nebraska.</p>	Alt. Pg. 3-9	Not Applicable	None	No Action	Parts of the Restatement Rule have again been recommended by the Commission in the report on Integrated Management of Surface Water and Groundwater.
<p>A- 7. Adopt a First User Rule as the definition of groundwater property rights in Nebraska.</p>	Alt. Pg. 3-11	Not Applicable	None	No Action	
<p>A- 8. Adopt a Preference in Use Rule as the definition of groundwater property rights in Nebraska.</p>	Alt. Pg. 3-11	Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A-9. Adopt a Comparative Cause Rule as the definition of groundwater property rights in Nebraska.	Alt. Pg. 3-12	Not Applicable	None	No Action	
A-10. Adopt a groundwater property rights system where rights are created and evidenced by securing a permit from an appropriate state agency.	Alt. Pg. 3-13	Not Applicable	None	No Action	
A-11. Quantify the amount of water hydrologically available beneath particular surface formations and give each landowner a vested right to withdraw a particular quantity of water based on the total number of acres of overlying land owned by the landowner.	Alt. Pg. 3-14	Not Applicable	None	No Action	
A-12. Quantify the amount of water hydrologically available beneath particular surface formations and give each landowner a vested right to withdraw a particular quantity of water based on the number of acres of productive irrigable land owned by the overlying owner.	Alt. Pg. 3-16	Not Applicable	None	No Action	
A-13. Codify the rules derived from Nebraska cases, as near as they can be determined, as the definition of groundwater property rights in Nebraska.	Alt. Pg. 3-17	Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>RIPARIAN RIGHTS - January 1983</u>					
<u>Riparian Rights - Recommendation of the Natural Resources Commission</u>					
R- 1. Define and protect existing use of surface water.	Rec. Pg. i Alt. Pg. 4-10	Not Applicable	None	No Action	
<u>Riparian Rights - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u>					
A- 1. Take no legislative action.	Alt. Pg. 4-2	Not Applicable	None	No Action	
A- 2. Legislatively require registration of riparian right claims with the Nebraska Department of Water Resources, establishing that any other riparian water uses are not legally sanctioned, and making failure to register a forfeiture of any water right claim.	Alt. Pg. 4-3	Not Applicable	None	No Action	
A- 3. Legislatively require registration and adjudication of riparian water right claims with the Nebraska Department of Water Resources, establishing that any other riparian water uses are not legally sanctioned, and making failure to register a forfeiture of any water right claim.	Alt. Pg. 4-6	Not Applicable	LB 316 (1983) (Did Not Pass)	Unsuccessful Attempted Action	LB 316 (1983) would have required adjudication of riparian rights. It was indefinitely postponed.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
SUPPLEMENTAL WATER SUPPLIES - JANUARY 1984					
<u>Supplemental Water Supplies - Recommendations of the Natural Resources Commission</u>					
R- 1. Authorize water suppliers to vary surface water and groundwater use fees to achieve a balanced use of each.	Rec. Pg. v Alt.pg. 5-5	Not Applicable	None	No Action	
R- 2. Authorize groundwater transfer for agricultural purposes.	Rec. Pg. v Alt. Pg. 5-6	Not Applicable	None	No Action	The Commission recommended only a limited adoption of this alternative.
R- 3. Increase annual appropriations to the Resources Development Fund.	Rec. Pg. vi Alt. Pg. 5-7	Not Applicable	None	No Action	Appropriations to the Development Fund were reduced for FY 85 and FY 86.
R- 4. Pass legislation which would allow revenue bonds to be issued for construction of water retention and impoundment structures.	Rec. Pg. vi Alt. Pg. 5-7	Not Applicable	LB 1106 (1985) (Passed)	Complete Action	This recommendation is now implemented.
R- 5. Allow the state to issue general obligation bonds for water development projects.	Rec. Pg. vi Alt. Pg. 5-7	Not Applicable	LB 18 CA (1986) (Did Not Pass)	Unsuccessful Attempted Action	
R- 6. Allow the state to institute water use fees to be used as revenue for supplemental water projects.	Rec. Pg. vi Alt. Pg. 5-7	Not Applicable	None	No Action	
R- 7. Allow tax increment financing by local governments for supplemental water projects.	Rec. Pg. vii Alt. Pg. 5-8	Not Applicable	None	No Action	
R- 8. Authorize local governments to allow water suppliers to charge a water use fee to produce revenue for providing supplemental water.	Rec. Pg. vii Alt. Pg. 5-8	Not Applicable	None	No Action	
R- 9. Authorize natural resources districts to levy a tax rate specifically for planning and construction of supplemental water projects.	Rec. Pg. vii Alt. Pg. 5-8	Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
R-10. Authorize natural resources districts, with voter approval, to issue general obligation bonds for supplemental water projects.	Rec. Pg. vii Alt. Pg. 5-8	Not Applicable	None	No Action	
R-11. In administering the Soil and Water Conservation Fund, require that natural resources districts place a priority on projects and practices which would offset the need for supplemental water supply by improving groundwater recharge potential.	Rec. Pg. viii Alt. Pg. 5-10	None	Not Applicable	No Action	
R-12. Provide a specific appropriation to implement the state project planning and design activity of the State Water Planning and Review Process.	Rec. Pg. viii Alt. Pg. 5-10	Not Applicable	None	No Action	
R-13. Authorize local governments to charge in lieu of taxes for land which is used in construction of supplemental water projects. (The Commission recommends limited adoption of this alternative.)	Rec. Pg. viii Alt. Pg. 5-10	Not Applicable	None	No Action	
R-14. Amend the Nebraska Non-Game and Endangered Species Act so that the Act includes an exemption process and is otherwise consistent with the Federal Act.	Rec. Pg. ix Alt. Pg. 5-11	Not Applicable	LB 1042 (1984) (Did Not Pass) LB 1189 (1986) (Did Not Pass) LB 1073 (1986) (Did Not Pass)	Unsuccessful Attempted Action	
R-15. Direct some entity to develop a plan to obtain and use supplemental water from the Missouri River.	Rec. Pg. ix Alt. Pg. 5-11	None	None	No Action	
<u>Supplemental Water Supplies - Alternatives Receiving Only a Limited Recommendation by the Natural Resources Commission</u>					
1. Declare that groundwater may be used to supplement streamflow needs.	Alt. Pg. 5-6	Not Applicable		No Action	In the Supplemental Water Supplies Study, the Commission recommended first limited groundwater transfers for agricultural purposes. In the Policy Issue Study on Integrated Management of Surface Water and Groundwater, instream, and lake or wetland needs were also recommended.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>Supplemental Water Supplies - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u>					
A- 1. Remove the preference for junior direct flow irrigation appropriators over senior storage appropriators.	Alt. Pg. 5-6	Not Applicable		No Action	
A- 2. Develop more specific guidelines for application extension on uncompleted projects.	Alt. Pg. 5-6	Not Applicable	None	No Action	
A- 3. Designate an add on to an existing state tax to be used for construction of supplemental water projects.	Alt. Pg. 5-7	Not Applicable	None	No Action	
A- 4. Levy a special tax on commodities such as cigarettes or liquor to be used for supplemental water projects.	Alt. Pg. 5-7	Not Applicable	None	No Action	
A- 5. Specify that a percent of the severance (oil and gas) tax fund be used for supplemental water projects.	Alt. Pg. 5-7	Not Applicable	None	No Action	
A- 6. Allow exceptions to the local option tax control act for local development of supplemental water projects.	Alt. Pg. 5-8	Not Applicable	None	No Action	
A- 7. Allow a general land tax on the capital gain which can be attributed to an irrigation project.	Alt. Pg. 5-8	Not Applicable	None	No Action	
A- 8. Establish Resources Development Fund criteria so that a supplemental water project would not have to meet the criteria that its primary costs do not exceed its primary and tangible benefits.	Alt. Pg. 5-9	None	None	No Action	
A- 9. Allow Resources Development Fund grants to be used for supplemental water projects that produce revenue.	Alt. Pg. 5-9	Not Applicable	None	No Action	
A-10. Give large size storage facilities preference in the Resources Development Fund.	Alt. Pg. 5-9	None	Not Applicable	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A-11. Give projects which physically include integrated management as a purpose a preference in the Resources Development Fund.	Alt. Pg. 5-9	No	Not Applicable	No Action	
A-12. Strengthen the policy of the State Engineer to construct road structures which can be incorporated into the design of water impoundment structures.	Alt. Pg. 5-10		Not Applicable		
A-13. Institute and fund a type of public works program that would relieve unemployment and develop supplemental water supply projects.	Alt. Pg. 5-12	Not Applicable	No	No Action	
A-14. Establish a water development advocacy agency in Nebraska.	Alt. Pg. 5-12	Not Applicable	LB 1106 (1984 (Passed) LB 386 (1986) (Did Not Pass- Limited Application)	Limited Action	LB 1106 established a Water Management Board to consider water projects costing over \$10 million. Advocacy is one of the duties of that board.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<p style="text-align: center;"><u>TRANSFERABILITY OF SURFACE WATER RIGHTS - May 1983</u></p> <p><u>Transferability of Surface Water Rights - Recommendations of the Natural Resources Commission</u></p> <p>R- 1. Allow transfers of surface water rights in the following three limited situations:</p> <p>a. Voluntary transfers of water rights to municipalities ought to be authorized. These transfers can involve a change in the type of use, in the place of use, and the point of diversion.</p> <p>b. Voluntary transfers of water rights for irrigation purposes ought to be authorized within the boundaries of irrigation districts, mutual irrigation companies, reclamation districts, public power and irrigation districts, and irrigation project areas of natural resources districts. However, except as noted in (1) above, such transfers should involve only exchanges in the land being irrigated and should not include changes from agricultural uses to any other type of use.</p> <p>c. Except as noted in (1) above, voluntary transfers of water rights for irrigation purposes in other than project irrigation areas should be authorized only if they are between adjoining lands under the same ownership and if no change in type of use is involved.</p>	<p>Rec. Pg. i Alt. Pg. 4-2</p>	<p>Not Applicable</p>	<p>LB 21 (1983) (Passed) LB 818 (1984) (Passed) LB 1210 (1986) (Did Not Pass)</p>	<p>More Complete Action Than Recommended</p>	<p>LB 21 authorizes transfers on a less restrictive basis than this recommendation. LB 818 provided technical amendments to LB 21. LB 1210 would have further broadened the authority.</p>
<p><u>Transferability of Surface Water Rights - Alternatives Only Partially Recommended by the Natural Resources Commission</u></p> <p>1. Provide that surface water rights may be freely severed from the land and transferred to a new use or a new location of use without loss of priority, provided that such transfers are approved in accordance with law.</p>			<p>LB 21 (1983) (Passed) LB 1210 (1986) (Did Not Pass)</p>	<p>Limited Action</p>	
<p><u>Transferability of Surface Water Rights - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u></p> <p>A- 1. Make no change in existing law respecting the transferability of surface water rights.</p>					<p>LB 21 (1983) and LB 818 (1984) changed previous law.</p>

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A- 2. Institute a water banking system to facilitate a market in surface water rights.		Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<div style="border: 1px solid black; padding: 2px; display: inline-block;">WATER AND ENERGY - January 1984</div> <p>1. The Commission made no new recommendations on this study and alternatives presented were only those made in previous policy issue studies.</p>					

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				Comments
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	
WATER RIGHTS ADJUDICATION - December 1982					
<u>Water Rights Adjudication - Recommendations of the Natural Resources Commission</u>					
R- 1. Clarify present policy regarding forfeiture of water rights.	Rec. Pg. i Alt. Pg. 4-3	Not Applicable	LB 380 (1983) (Passed)	Substantial To Complete Action	
R- 2. Indicate that three "successive or consecutive" years of nonuse were contemplated in the forfeiture statutes.	Rec. Pg. i Alt. Pg. 4-3	Not Applicable	LB 380 (1983) (Passed)	Complete Action	
R- 3. Clarify the statutes to state that unperfected or inchoate water rights can be cancelled for failure to comply with the conditions of approval in the permit.	Rec. Pg. i Alt. Pg. 4-4	Not Applicable	LB 380 (1983) (Passed)	Complete Action	
R- 4. Modify the forfeiture provisions to permit exceptions to the three year period of nonuse using the following periods of time:	Rec. Pg. ii Alt. Pg. 4-5	Not Applicable	LB 380 (1983) (Passed)	Complete Action	
<ul style="list-style-type: none"> a. When irrigated farmlands are placed under an acreage reservoir or production quota program or otherwise withdrawn from use as a requirement of participation in any federal or state government program; b. When federal, state, or municipal laws impose land or water restrictions; c. When the available water supply is inadequate to enable the owner to use the water for a beneficial or useful purpose; d. When climatic conditions cause irrigation to be unnecessary or when circumstances are such that a prudent person, following the dictates of good husbandry, should not be expected to use the water; or e. When caused by destruction of works, diversion of facilities for use by a cause not within the control of the owners of such water appropriation, and when good faith efforts to repair or replace such works, diversions or facilities are being made; f. When nonuse occurs as a result of active service in the armed forces of the United States during a national emergency; 					

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
g. Non-voluntary service in the armed forces; and h. During the operation of legal proceedings which affect the appropriation; i. Any other period of time determined by the Department of Water Resources by rule to be sufficient cause for failure to use a water appropriation.					
<u>Water Rights Adjudication - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u>					
A- 1. Make no change in present policy regarding loss of water rights.	Alt. Pg. I4-1				LB 380 made substantial changes in previous policies regarding loss of water rights.
A- 2. Modify the forfeiture statutes to permit forfeiture only if nonuse was intentional and voluntary.	Alt. Pg. I4-4	Not Applicable	None	No Action	
A- 3. Eliminate one of the two forfeiture statutes.	Alt. Pg. I4-3	Not Applicable	None	No Action	
A- 4. Require the Department of Water Resources to promulgate rules on what constitutes "sufficient cause".	Alt. Pg. I4-5	Not Applicable	None	No Action	
A- 5. Abrogate nonuser and prescription as methods of effecting the loss of water rights.	Alt. Pg. I4-7	Not Applicable	None	No Action	
A- 6. Modify the forfeiture statutes to lengthen or shorten the period of time after which forfeiture of a water appropriation for nonuse will occur.	Alt. Pg. I4-7	Not Applicable	None	No Action	
A- 7. Provide for the petitioned extension for a reasonable length of time to resume the use of appropriated water.	Alt. Pg. I4-8		None	No Action	
A- 8. Modify the forfeiture statutes to incorporate the "acreage report" concept.	Alt. Pg. I4-8	Not Applicable	None	No Action	

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)					
Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A- 9. Authorize the adjudication and quantification of Federal Reserved Water Rights and Indian water rights.	Alt. Pg. I4-8	Not Applicable	None	No Action	
A- 10. Modify the Adjudication Statutes to comply with the jurisdictional requirements of the McCarran Amendment.	Alt. Pg. II4-2	Not Applicable	None	No Action	
A- 11. Provide for negotiation of a settlement between the Federal Government and Indian tribes, and the state.	Alt. Pg. II4-3	Not Applicable	None	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
WATER QUALITY - March 1980					
<u>Water Quality - Recommendations of the Natural Resources Commission</u>					
<u>Highest Priority Water Quality Recommendations</u>					
R- 1. Authorize NRDs to require conservation planning and implementation in agricultural runoff water quality problem areas upon guarantee of 75% cost share and establish state cost share fund for agricultural pollution.	Rec. Pg. vii Alt. Pg. 16	Not Applicable	LB 474 (1986) (Passed)	Partial Action	LB 474 (1986) has some application, at least where problem results from erosion. However, primary objectives of the recommendations remain unaddressed.
R- 2. Provide authority to establish groundwater quality control areas.	Rec. Pg. vii Alt. Pg. 22	None	LB 146 (1981) (Passed) LB 894 (1986) (Passed)	Complete Action	LB 146 (1981) implemented most of this recommendation. No groundwater quality control areas were declared. The authority for groundwater quality control areas has now been replaced with similar but more complete authority for groundwater management areas and special protection areas. (LB 894, 1986)
R- 3. Require wastewater treatment plant operator training and certification.	Rec. Pg. vii Alt. Pg. 28	Not Applicable	None	No Action	The Department of Environmental Control provides Voluntary Operator Training and Certification.
R- 4. Require the licensing or certification of well drillers and pump installation contractors.	Rec. Pg. viii Alt. Pg. 23	Not Applicable	LB 226 (1982) (Did not pass) LB 310 (1986) (Passed)	Complete Action	
R- 5. Expand current state authority for licensing solid waste disposal sites.	Rec. Pg. viii Alt. Pg. 77	Not Applicable	None	None	This continues to be recommended in the Department of Environmental Control's Groundwater Protection Strategy.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>Other Recommendations</u> R- 6. Continue the expanded educational programs on agricultural runoff, leaching of nitrates, pesticides and other chemicals, irrigation return flows, and septic tanks.	Rec. Pg. vii Alt. Pg. 4	Yes	LB 474 (1986) (Passed) LB 894 (1986) (Passed)	Very Partial Action	Specific legislation regarding educational programs has not been introduced. However, the hiring of additional agricultural extension agents, has addressed many of the same concerns. There are some plans that would result in more educational activities. There are federal plans for dramatic cutbacks in extension personnel. However, no final action has been taken on those plans.
R- 7. Promote the project area approach to agricultural runoff.	Rec. Pg. vii Alt. Pg. 6	Yes	Not Applicable	Partial Action	Limited adoption by the SCS with NRD cooperation in the Elm Creek area.
R- 8. Clarify and strengthen law requiring backflow preventive devices on groundwater irrigation systems.	Rec. Pg. vii Alt. Pg. 21	None	LB 284 (1986) (Passed) LB 227 (1986) (Did Not Pass)	Complete Action	
R- 9. Promote circuit wastewater treatment plant operators.	Rec. Pg. vii Alt. Pg. 26	Yes	Not Applicable	Partial Action	A feasibility study has been completed in the Big Blue Basin. An implementation study has been completed in the Southeast Development District.
R-10. Require SID's to provide for wastewater treatment plant operations and maintenance.	Rec. Pg. vii Alt. Pg. 27	Unknown	Not Applicable	Unknown	This was to be adopted and enforced by city and county governments. Those governments have not been surveyed.
R-11. Establish a recommended backslope for rural roads.	Rec. Pg. vii Alt. Pg. 32	Yes	Not Applicable	Partial Action	The Department of Roads has adopted this for new roads.
R-12. Require seeding along new and reconstructed roads.	Rec. Pg. vii Alt. Pg. 33	Yes	Not Applicable	Complete Action	Seeding is now required by Department of Roads Design Standards.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
R-13. Promote Riparian Lands Protection.	Rec. Pg. vii Alt. Pg. 36	Unknown	Not Applicable	Unknown	Natural resources districts have not subsequently been surveyed on how their riparian land protection programs have changed.
R-14. Revise state legislation regarding permits for proposed channel modification.	Rec. Pg. vii Alt. Pg. 38	Not Applicable	None	No Action	This may be addressed in the future through the 404 permitting process.
R-15. Request appropriate federal agencies to study possible corrective measures in streambank erosion problem areas.	Rec. Pg. vii Alt. Pg. 43	Yes	Not Applicable	Partial Action	Numerous requests have been made to the U.S. Army Corps of Engineers.
R-16. Regulate surface water irrigation return flow.	Rec. Pg. vii Alt. Pg. 46	Studied	None	Partial Action	A subsequent Department of Environmental Control study found that this is generally not a severe problem.
R-17. Encourage local governments to require construction site runoff control.	Rec. Pg. vii Alt. Pg. 52	Unknown	LB 474 (1986) (Passed)	Unknown	There has been no survey of local government adoption of construction site runoff controls. LB 474 exempted most construction activities.
R-18. Cities and counties should evaluate urban runoff pollution.	Rec. Pg. viii Alt. Pg. 56	Unknown	Not Applicable	Unknown	There has been no survey of local governments to determine whether they have evaluated urban runoff pollution.
R-19. License septic tank manufacturers, installers, and pumpers.	Rec. Pg. viii Alt. Pg. 64	Not Applicable	None	No Action	
R-20. Cities and counties should adopt septic tank permit programs.	Rec. Pg. viii Alt. Pg. 65	Unknown	Not Applicable	Unknown	There has been no survey on how many local governments have subsequently adopted such programs.
R-21. Determine the extent of contamination of groundwater by insecticides, herbicides, trace metals, and drugs.	Rec. Pg. viii Alt. Pg. 75	Yes	Not Applicable	Substantial Action	The Department of Environmental Control has completed a study addressing this subject.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
R-22. Study the mobility of various contaminants in selected geologic environments in Nebraska.	Rec. Pg. viii Alt. Pg. 79	Yes	Not Applicable	Substantial To Complete Action	The Department of Environmental Control has completed a study examining the rate of toxic chemical mobility in the environment.
R-23. Encourage local governments to recognize potential hazards from improper storage of chemicals and petroleum and to regulate storage of chemicals.	Rec. Pg. viii Alt. Pg. 81	Unknown	Not Applicable	Unknown	No survey has been made on the degree to which local governments are now regulating the storage of chemicals.
R-24. Develop state guidelines for storage of chemicals and petroleum.	Rec. Pg. viii Alt. Pg. 82	Not Applicable	LB 217 (1986) (Passed)	Substantial Action	Regulations are yet to be developed.
R-25. Expand existing enforcement program related to truck washes, fertilizer and pesticide washdown facilities.	Rec. Pg. viii Alt. Pg. 85	Yes	Not Applicable	Substantial To Complete Action	The Department of Environmental Control has expanded this program under its Title 126 Waste Management Rules.
R-26. Adopt state rules and regulations specific to spillage, leakage, clean-up, and disposal of petroleum products and hazardous materials.	Rec. Pg. viii Alt. Pg. 87	Yes	Not Applicable	Complete Action	The Department of Environmental Control has now implemented this recommendation.
<u>Water Quality - Alternatives Not Receiving a Recommendation from the Natural Resources Commission</u>					
A- 1. Adopt a state goal for nonpoint pollution control.	Alt. Pg. 5	None	None	No Action	Although the Soil and Water Conservation Strategy includes a goal for reduction of erosion, it has not been officially adopted by statute.
A- 2. Establish a state cost share fund for control of agricultural related pollution.	Alt. Pg. 7	Yes	None	Very Limited Action	The Natural Resources Commission Soil and Water Conservation Strategy advocates allocating a larger portion of the NSWCP funds to pollution control oriented practices.
A- 3. Establish a complaint system to reduce excessive sedimentation.	Alt. Pg. 12	None	LB 474 (1986) (Passed)	Complete Action	LB 474 implemented this recommendation.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A- 4. Establish a sediment and erosion control authority.	Alt. Pg. 14	None	LB 474 (1986) (Passed)	Substantial To Complete Action	Under LB 474, the natural resources districts have authority to regulate areas with high soil loss when there is a complaint and soil loss standards are not being met.
A- 5. Require mandatory compliance with cost-sharing assistance.	Alt. Pg. 15	Not Applicable	LB 474 (1986) (Passed)	Partial Action	Cross compliance and completion and implementation of conservation plans will also be required for participation in federal programs in the 1990's under the most recent farm bill.
A- 6. Establish land conservation tax plan.	Alt. Pg. 18	Not Applicable	None	No Action	The Natural Resources Commission's Soil and Water Conservation Strategy advocates lowering taxes for land subject to certain practices.
A- 7. Grant NRDs the authority to restrict the application of nitrogen.	Alt. Pg. 24	Not Applicable	LB 894 (1986) (Passed)	Partial Action	Application of agricultural chemicals probably cannot be prohibited but can be regulated.
A- 8. Revise state law regarding agricultural cultivation of roadways.	Alt. Pg. 30	Not Applicable	None	No Action	
A- 9. Local subdivisions of government share roadside seeding equipment.	Alt. Pg. 31	Unknown	Not Applicable	Unknown	There has been no survey of local governments to determine the degree to which this may have been adopted.
A-10. Revise state laws regarding rural roads in township jurisdiction.	Alt. Pg. 34	Not Applicable	None	No Action	An action item in the Natural Resources Commission's Soil and Water Conservation Strategy advocates giving the Department of Roads authority to require roadside erosion control on all roads.
A-11. Shift responsibility of Section 404 permit program to the state.	Alt. Pg. 37	None	None	No Action	After close study, the Department of Environmental Control recently decided that the federal government should keep this responsibility.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A-12. Promote accelerated land treatment and watershed protection.	Alt. Pg. 39	Yes	None	Very Limited Action	The Natural Resources Commission Soil and Water Conservation Strategy recommends designating a percentage of NSWCP funds in project areas for use.
A-13. Discourage land clearing and cultivation near streambanks.	Alt. Pg. 40	Unknown	Not Applicable	Unknown	No survey has been made of the degree to which governmental units have discouraged clearing and cultivation near streambanks. Neither have landowners been surveyed to determine the degree to which this has been implemented.
A-14. Encourage proper disposal of dead trees and other vegetation.	Alt. Pg. 41	Unknown	Not Applicable	Unknown	No survey has been made of the degree to which governmental units have encouraged proper disposal of vegetation. Landowners have not been surveyed to determine their degree of compliance.
A-15. Prepare model riparian lands zoning ordinance.	Alt. Pg. 42	None	Not Applicable	No Action	
A-16. Establish surface irrigation water users fee.	Alt. Pg. 47	Not Applicable	None	No Action	The Natural Resources Commission later recommended water users fees as a method of raising money for supplemental water projects. This recommendation came from the Policy Issue Studies on Supplemental Water Supplies and Integrated Management of Surface Water and Groundwater.
A-17. Require permits for drilling irrigation wells.	Alt. Pg. 48	Not Applicable	LB 894 (1986) (Passed)	Partial Action	LB 894 allows groundwater management areas to be created for groundwater quality protection purposes. Permits are required for new wells.
A-18. Require a permit to develop an irrigation system.	Alt. Pg. 49	Not Applicable	LB 894 (1986) (Passed)	Partial Action	LB 894 does not apply to surface water.

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
A-19. Reduce allowed surface water diversions per acre of cropland.	Alt. Pg. 50	Not Applicable	None	No Action	A similar alternative was included in the Policy Issue Study on Water Use Efficiency. The Natural Resources Commission did not recommend it at that time.
A-20. Inform owners and developers about construction site runoff best management practices.	Alt. Pg. 53	None	Not Applicable	No Action	The Commission has worked with the Land Improvement Contractors in the development.
A-21. Establish mandatory construction site runoff control rules and regulations.	Alt. Pg. 54	None	LB 474 (1986) (Passed)	Very Limited Action	LB 474 encourages, but does not require construction site runoff control.
A-22. Develop informational program for urban runoff control.	Alt. Pg. 57	None	Not Applicable	No Action	
A-23. Prepare model ordinances for urban runoff control.	Alt. Pg. 58	None	Not Applicable	No Action	
A-24. Require mandatory urban runoff control programs.	Alt. Pg. 59	Not Applicable	None	No Action	
A-25. Provide state assistance to recreational associations in septic tank problem areas to improve installation and maintenance.	Alt. Pg. 66	None	Not Applicable	No Action	
A-26. Require a permit to install a septic tank system.	Alt. Pg. 67	Not Applicable	None	No Action	
A-27. Legislative action to protect streamflow quantity for water quality purposes.	Alt. Pg. 70	None	LB 1106 (1984) (Passed) LB 102 (1985) (Passed)	Limited Action	LB 1106 as amended allows protection of streamflow for recreation, fish and wildlife uses under some circumstances. Water quality maintenance may be necessary to achieve those uses. This alternative was more fully discussed in the Policy Issue Study on Instream Flows.
R-28. Augment streamflow quantity for water quality purposes.	Alt. Pg. 71	None	LB 1106 (1986) (Passed)	Limited Action	Under LB 1106, natural resources districts and the Game and Parks Commission identify stream segments having a critical need for instream flows. Storage is specifically recognized as one way of obtaining flow.

SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)

Alternative or Recommendation	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
R-29. Develop state standards and a permit system for improper storage of chemicals and petroleum.	Alt. Pg. 83	None	LB 217 (1986) (Passed)	Complete Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>WATER USE EFFICIENCY - April 1985</u>					
<u>Water Use Efficiency - Recommendations of the Natural Resources Commission</u>					
R- 1. Increase research and educational efforts related to improving water use efficiency.	Rec. Pg. iv Alt. Pg. 59	Yes	None	Partial Action	Additional Cooperative Extension personnel were recently hired. One of their projects has been a three county project on irrigation water management. Potential cuts in Federal funding for Cooperative Extension personnel may soon offset those gains.
R- 2. Increase appropriations to the Nebraska Soil and Water Conservation Fund.	Rec. Pg. iv Alt. Pg. 60	Not Applicable	LB 1128 (1984) (Passed) LB 722 (1985) (Passed)	Partial Action	Funding levels have increased some, but not to the amounts anticipated.
R- 3. Earmark a portion of the Soil and Water Conservation Fund for water use efficiency practices.	Rec. Pg. iv Alt. Pg. 60	None	Not Applicable	No Action	The Commission has earmarked no funds to date.
R- 4. Establish water use efficiency as a criteria for determining priorities for Development Fund funding among projects where efficiency measures can be incorporated.	Rec. Pg. iv Alt. Pg. 61	None	Not Applicable	No Action	This has not been applicable to any projects since the recommendation was made.
R- 5. Earmark a portion of the Development Fund for water use efficiency measures.	Rec. Pg. iv Alt. Pg. 62	None	Not Applicable	No Action	The Commission has earmarked no funds to date.
R- 6. Require water users to pay a water use charge for agricultural users require this once water use increases above a certain volume on per acre basis.	Rec. Pg. iv Alt. Pg. 63	Not Applicable	None	No Action	
R- 7. Establish water use efficiency standards for conveyance systems.	Rec. Pg. v Alt. Pg. 66	No	Not Applicable	No Action	

Alternative or Recommendation	SUMMARY TABLE - STATUS OF POLICY ISSUE STUDY ALTERNATIVES AND RECOMMENDATIONS (Continued)				
	Page # of Original Alternative	Administrative Action Taken	Applicable Legislation	Action Taken	Comments
<u>Water Use Efficiency - Alternatives Not Receiving a Recommendation by the Natural Resources Commission</u>					
A- 1. Make no changes in current administration and statutory policies related to water use efficiency.	Alt. Pg. 58	Yes	None	Limited Actions	Some additional Cooperative Extension personnel have been hired. Potential changes in federal policies may result in fewer Extension agents.
A- 2. Authorize natural flow appropriators to expand acres served by an appropriation.	Alt. Pg. 62	Not Applicable	None	No Action	
A- 3. Authorize DWR to administer new natural flow appropriations at a lower withdrawal rate.	Alt. Pg. 64	Not Applicable	None	No Action	
A- 4. Authorize DWR to administer existing natural flow appropriations at a lower withdrawal rate.	Alt. Pg. 64	Not Applicable	None	No Action	
A- 5. Expand the types of controls that can be required by a NRD in a control or management area.	Alt. Pg. 67	Not Applicable	LB 894 (1986) (Passed)	Partial Action	LB 894 (1986) created groundwater quality protection areas which have more control powers than previous water quality control areas.

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INDEX A

GENERAL INDEX TO POLICY ISSUE STUDIES

References in this index are to section headings in the policy issue studies. This index contains the following nine alphabetical subject headings:

- Energy-Water Relationships
- Groundwater
- Interstate Water Uses and Conflicts
- Municipal Water Systems
- Supplemental Water Supplies
- Surface Water
- Surface Water-Groundwater Interrelationships
- Water Quality
- Water Use Efficiency

Headings and subheadings within those categories are alphabetical. The study or studies involved are noted in abbreviated form. The legend for the abbreviated study titles is as follows:

- IF - Instream Flows
- WQ - Water Quality
- GRM - Groundwater Reservoir Management
- GRMA - Groundwater Reservoir Management Appendix
- PREF - Preferences in the Use of Water
- DDSW - Drainage of Diffused Surface Water
- WRA - Water Right Adjudications
- PRGW - Property Rights in Groundwater
- RR - Riparian Rights
- IWUC - Interstate Water Uses and Conflicts
- TSWR - Transferability of Surface Water Rights
- MWN - Municipal Water Needs
- MWNA - Municipal Water Needs Appendix
- SWS - Supplemental Water Supplies
- WUE - Water Use Efficiency
- WE - Water And Energy
- IM - Integrated Management of Surface Water and Groundwater

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- Groundwater Reservoir Management
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- Instream Flows
- Integrated Management of Surface Water and Groundwater
- Interstate Water Uses and Conflicts
- Municipal Water Needs
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WQ - Water Quality
GRM - Groundwater Reservoir Management
GRMA - Groundwater Reservoir Management Appendix
PREF - Preferences in the Use of Water
DDSW - Drainage of Diffused Surface Water
WRA - Water Right Adjudications
PRGW - Property Rights in Groundwater
RR - Riparian Rights
IWUC - Interstate Water Uses and Conflicts
TSWR - Transferability of Surface Water Rights
MWN - Municipal Water Needs
MWNA - Municipal Water Needs Appendix
SWS - Supplemental Water Supplies
WUE - Water Use Efficiency
WE - Water And Energy
IM - Integrated Management of Surface Water and Groundwater

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IF - Instream Flows
WQ - Water Quality
GRM - Groundwater Reservoir Management
GRMA - Groundwater Reservoir Management Appendix
PREF - Preferences in the Use of Water
DDSW - Drainage of Diffused Surface Water
WRA - Water Right Adjudications
PRGW - Property Rights in Groundwater
RR - Riparian Rights
IWUC - Interstate Water Uses and Conflicts
TSWR - Transferability of Surface Water Rights
MWN - Municipal Water Needs
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SWS - Supplemental Water Supplies
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IM - Integrated Management of Surface Water and Groundwater

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APPENDIX

Summary of Public Hearing
Draft Summary and Review Policy Issue Study
1:30 p.m.
October 22, 1986
Natural Resources Commission Conference Room
State Office Building
Lincoln, Nebraska

Those attending:

Jim Becic - Middle Missouri Tribes NRD
Fred Thomas - Omaha World Herald
Wayne Johnson - Natural Resources Commission
Clinton VonSeggern - Natural Resources Commission
Frank Bartak - Natural Resources Commission
Tony Vrana - Natural Resources Commission Staff
Jim Cook - Natural Resources Commission
Bob Gifford - Natural Resources Commission
Paul Schroeder - Natural Resources Commission
Clarence Rutt - Natural Resources Commission
Bob Kuzelka - Conservation and Survey Division-UNL
Al Laukaitis - Lincoln Journal
Deanna Frisk
Ferd Anderson - American Consulting Engineers Council of Nebraska
Luther Heckman - UNL
Dave Immell - UNL
M. W. Erickson
Hal Schroeder - Olsson Associates
Rick Bay - Nebraska Department of Environmental Control
Nancy Hicks - Lincoln Star
John Hauschild - NWPCA
Jay Ringenberg - NWPCA
Susan Miller - Conservation and Survey Division-UNL
Steve Gaul - Natural Resources Commission Staff
Dayle Williamson - Director of Natural Resources

PROCEDURE

Dayle Williamson, Director of Natural Resources, called the meeting to order. Steve Gaul of the Commission staff introduced the legal exhibits and summarized the contents of the draft report. Gaul introduced comment letters by Bryce Neidig of the Nebraska Farm Bureau Federation and Tom Lamberson of the Department of Water Resources. Formal testimony was then taken, followed by a discussion period. Recommendation numbers noted below were for the draft report and will not necessarily correspond to those in the final report.

FORMAL TESTIMONY OFFERED

Jay Ringenberg, President of the Nebraska Water Pollution Control Association, presented a brief statement indicating the Association's support for Draft Recommendation #9: "Require wastewater treatment plant operator training and certification."

Ferd Anderson of the American Consulting Engineers Council of Nebraska also indicated support for Draft Alternative #9. He gave very strong support for Draft Recommendation #3: "Propose and pass a constitutional amendment to allow the State to issue general obligation bonds for water development projects." Anderson also supported Draft Recommendation #12: "Examine alternative methods of facilitating sale of groundwater and sale of surface-water rights."

Bob Kuzelka, Conservation and Survey Division-UNL, said that he was testifying as a member of the task force which helped to produce the report. He explained that he would like to clarify Draft Recommendation #4: "Enact legislation requiring natural resources districts to restrict groundwater use and for development in problems areas - the Legislature should adopt a maximum allowable depletion rate which is no greater than 5% over 5 years." Kuzelka said that the recommendation had been solely that of the Commission and not a technical recommendation of the task force. He said that some task force members had concerns about the technical problems of making the required determinations. Kuzelka also felt that the three new draft recommendations were inappropriately presented. He stated that Draft Recommendation #11: "Increase appropriations to the Water Management Fund" could be presented with previously made recommendations since the Policy Issue Study on Supplemental Water Supplies had presented a very similar recommendation for a sinking fund. He believed that Draft Recommendation #12: "Examine alternative methods of facilitating the sale of groundwater and sale of surface-water rights." should have been discussed as a potential new policy issue study in the appropriate section of Chapter 1. Kuzelka said that Draft Recommendation #13: "Require a Natural Resources District approved development plan before allowing installation of an irrigation system." should not be added at this time and that it didn't really fit with any of the previous policy issue studies.

John Hauschild, Certification Committee Chairman of the Nebraska Water Pollution Control Association, made a brief formal statement favoring Draft Recommendation #9: "Require wastewater treatment plant operator training and certification."

The hearing concluded with an informal question and answer session.