

February 19, 2020

Natural Resources Committee
Senator Dan Hughes - Chair
Room #1117
P.O. Box 94604
Lincoln, NE 68509

VIA EMAIL to: mmizerski@leg.ne.gov; dhughes@leg.ne.gov

RE: Opposition to LB845

Senator Hughes and Members of the Natural Resources Committee:

I write on behalf of the Nebraska Water Resources Association ("NWRA") in opposition to LB845, and ask that this letter be included in the hearing record for this bill.

NWRA is a nonprofit alliance of state agencies and political subdivisions responsible for the regulation of water resources, private entities, and professionals dedicated to the development and implementation of sound water policy on a statewide and national level. Founded in 1944, NWRA is led by a 24-member board of directors representing surface water and ground water irrigation, public power, municipal and industrial water users, and professional, conservation, recreation, education, and financial institutions. NWRA is a diverse but unified voice to elected officials and the public on water policy issues.

We have listened to Senator Groene's intentions in introducing LB845, which are driven by his opinions of the Nebraska Cooperative Republican Platte Enhancement ("NCORPE") streamflow augmentation project ("Project") and its managers, and his perception of the prospects of the sale of NCORPE's real property to private parties. Forceful opinions of one type of project in one county should not form the basis of a new statute which purports to alter the common law Nebraskans have relied on for over 87 years.

NWRA is concerned that this bill does not account for potential liability of the state and its political subdivisions to adjacent landowners for impacts of an augmentation project operating on a significantly reduced footprint after a sale of overlying real property. Nor does the bill account for preference class issues among other groundwater users. This Committee and Senator Groene should also consider how financing arrangements for many public projects, including the NCORPE Project, encumber real property to guarantee repayment of bonds and impose conditions under which encumbered real property may be sold.

NWRA's members observe that Nebraska's water management efforts in the unique context of the Republican River Compact have catalyzed many discussions regarding the impact of irrigation on the local tax base, the common law and statutory interpretation, public notice and participation, and financing for public projects. Certainly, those policy discussions should continue and should focus on how state officials and agencies, local governments, and irrigation and natural resources districts can continue to cooperatively solve problems and protect the interests of Nebraska's residents.

On behalf of NWRA, I welcome any questions the Committee may have on our opposition to LB845. We look forward to a productive dialogue on legislation that may be necessary to implement sound water policy in Nebraska.

Best regards,



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