

Case Study for the Nebraska Water Policy Task Force

Issues

In response to pleas for action to address the growing conflict between surface and groundwater users in 2002, the Nebraska State Legislature created a Water Policy Task Force that consists of 49 members appointed by the Governor from across the state and representing a wide variety of water interests.

The charge to the Task Force was to review existing laws related to the integrated management of hydrologically connected surface water and groundwater, and determine changes needed to adequately address Nebraska's conjunctive use and integrated management of water. The Task Force was to provide a recommendation to the legislature within 18 months.

Several previous attempts to resolve conflicts between surface and groundwater users had ended with an impasse. Many Task Force members were pessimistic about the potential for any positive product being developed by the new group.

CDR was hired by the Legislature to facilitate the activities of the Task Force.

Process

The initial task undertaken by CDR was to interview Task Force members and identify initial issues and concerns. CDR then worked closely with the State Department of Natural Resources (DNR) to convene the Task Force, sequence topics for discussion and identify barriers to agreement. CDR facilitated Task Force discussions of basic issues, evaluation of options generated by subcommittees and development of recommendations to the Legislature. The DNR worked with subcommittees of the Task Force to generate options and draft proposed statutes to accomplish the objectives of the Task Force.

In spite of strongly held opinions and emotions of the Task Force members and their constituents, CDR was able to successfully generate a climate of respect and cooperation among the many and various interests and build consensus on recommendations.

Players

- Natural Resources Districts
- Power industry
- Municipalities
- Agricultural groups
- Recreation interests
- Environmental interests
- Irrigators from each of Nebraska's river basins with an equal balance between surface water and groundwater users
- Members serving at large
- The Department of Natural Resources
- The Attorney General's Office
- The Chair and Vice-chair of the Natural Resources Committee of the Legislature
- Members of the public and press also attended the meetings

Results

After 18 meetings and numerous subcommittee meetings, the Task Force was able to agree on recommendations for how to address the issues and the actual language of a 179-page water bill. The bill provided a comprehensive framework for the integrated management of surface and groundwater and changes to authorities that allow new types of water transfers and leasing in Nebraska. The bill was delivered to the Legislature and Governor on time and passed with virtually no changes in 2004. The Water Policy Task continues to collaboratively provide input into the implementation of this bill, make recommendations as to the priorities of statewide water funding needs, review other statewide water policy legislation, and serve as a communication forum for the discussion, evaluation and making of recommendations to the state Legislature and Governor related to water law issues