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WATER ORGANIZATIONS IN THE WEST

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Water Organizations in a Changing West

**Natural Resources Law Center
University of Colorado School of Law
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NATURAL RESOURCES DISTRICTS

I. INTRODUCTION

A. Summary

Nebraska doesn't have a wide variety of natural resources which can be put to economic use. The state has no commercial deposits of coal like Wyoming; nor gold or silver like our western neighbors. We have only limited opportunities for petroleum production and we can't compete with the "sun and beach" areas of the coastal states nor the "ski and snow recreation lands" of the mountain states.

Those same characteristics of geography, geology, and climate that have denied Nebraska the mineral and vacation dollars have however given Nebraska a basic resource in soil and water that is almost without comparison in the United States. The almost 50,000,000 acres in Nebraska are not of uniform quality but there is an amazingly large amount of high quality land combined with modest surface water and, in some regions, vast groundwater supplies that has enabled Nebraska to excel as one of the outstanding agricultural states in the nation.

Historically, as new problems or needs relating to natural resources developed in Nebraska, citizens of the state asked the legislature for legislation to authorize them to deal with the specific problem or need. That process began in the late 1800's and continued through the late 1960's. By that time there were some 500 single purpose or special purpose districts and organizations dealing with various aspects of the state's soil and water resources. Many of these local organizations had overlapping boundaries, responsibilities and taxing authorities.

Because of the existence and probable future expansion, of that overlap and duplication, the Nebraska Legislature in 1969 passed legislation that completely reorganized resource agencies and activities in the state by merging 150 of the existing organizations in 24 Natural Resources Districts. It also authorized and recommended the later merger of many of the other 350 organizations into their Natural Resources District.

Natural Resources Districts have the authority to carry out most any kind of resource program or project that might be needed ranging from flood control and irrigation to pollution control and recreation.

II. HISTORIC RESOURCES ORGANIZATIONS

1. While early pioneers were able to "skim off the top" of the resources, problems of drought, erosion, floods, groundwater depletions, and surface and groundwater quality occurred with increasing regularity as the intensity of development increased over time.
2. It soon became necessary to begin a process of developing and protecting Nebraska's resources to enhance their productivity.
3. As these various needs arose the citizens of Nebraska asked the legislature for specific legislation to better enable them to deal with specific resource problems or needs.
 - (a) The first irrigation development took place in the 1860's and it was soon determined that irrigation was best carried out by group development of projects which required authorizing legislation.
 - (b) Drainage districts became popular in the early 1900's in an effort to control water and eliminate damage by straightening and cleaning channels to insure the speediest possible disposal of the water.
 - (c) The 1930's, with serious problems of wind erosion gave impetus to the organization of soil conservation districts.
 - (d) In the wet years of the early 1950's flood problems pointed out the need for watershed organizations, and
 - (e) the dry years of the mid 50's led to extensive development of groundwater for irrigation, which in turn created the need for districts to conserve and protect the groundwater supplies.

4. As a result of all of these problems and needs, legislation prior to 1969 was enacted covering, generally, one problem or one need at a time and resulted in a situation whereby Nebraska, by 1969, had approximately 500 different special-purpose resource districts of fourteen different types organized in the state, many of which has over-lapping boundaries and responsibilities.
5. The fourteen different types of resource districts included:
 - (a) Soil and Water Conservation Districts;
 - (b) Irrigation Districts;
 - (c) Public Power and Irrigation Districts;
 - (d) Reclamation Districts;
 - (e) Watershed Districts;
 - (f) Watershed Conservancy Districts;
 - (g) Watershed Planning Boards;
 - (h) Watershed Improvement Boards;
 - (i) Sanitary Drainage Districts;
 - (j) Sanitary Improvement Districts (two ways to organize);
 - (k) Drainage Districts (five ways to organize);
 - (l) Mosquito Control Districts;
 - (m) Ground Water Conservation Districts; and
 - (n) Rural Water Supply Districts.

III. REORGANIZATION

1. Such was the case in 1969 when the Nebraska Legislature set out to reorganize and consolidate resource districts in the state to eliminate, or at least limit, the overlap, duplication and proliferation of the then existing, single-purpose and special-purpose districts.
2. Each of the fourteen different types of special-purpose districts fell into one of three

categories in the reorganization and consolidation outlined by the legislature.

- (a) In the first category were those districts that were abolished and merged into the Natural Resources Districts such as the Soil and Water Conservation Districts and Watershed organizations.
 - (b) The second category, consisted of groups such as Drainage Districts, Ground Water Conservancy Districts, and Rural Water Districts were allowed to continue to exist but were urged to merge into the NRDs. Additionally, no new districts of these types could be formed.
 - (c) The third and final category consisted of groups such as Irrigation and Reclamation Districts, who were allowed to continue to exist and function, were allowed to merge if they chose, and new districts of this type could be formed.
3. Because of the controversy and uncertainty generated by this major change in resource development the legislation was passed in 1969 but implementation was delayed until 1972 in order for the public and the legislature to think about and have time to correct any oversights or errors.
 4. The legislation became law on July 1, 1972 and established twenty-four Natural Resources Districts covering all the land area of the state, utilizing hydrologic, or watershed boundaries.
 5. Each river basin in the state was utilized to establish the NRDs.
 6. The small basins became one NRD, while larger basins were divided into two or more districts.

7. Each Natural Resources District was given nearly all the authorities and responsibilities that had previously been scattered among the fourteen different types of special-purpose districts that existed prior to 1969.

IV. NRD AUTHORITIES

1. The purpose of the Natural Resources Districts is to develop and execute plans, facilities, works, and programs relating to:
 - (a) erosion prevention and control;
 - (b) prevention of damages from floodwater and sediment;
 - (c) flood prevention and control;
 - (d) soil conservation;
 - (e) water supply for any beneficial uses;
 - (f) ground water development, management, utilization and conservation
 - (g) surface water development, management, utilization and conservation;
 - (h) pollution control;
 - (i) solid waste disposal;
 - (j) sanitary drainage;
 - (k) drainage improvements;
 - (l) channel rectification;
 - (m) fish and wildlife habitat;
 - (n) recreation and park facilities;
 - (o) forestry; and
 - (p) range management.
2. To carry out that authority and responsibility each Natural Resources District is given the authority to levy up to 4.5 cents on each one hundred dollars of actual valuation on all tangible property within the districts.
3. Additional levy authority is granted in those areas where groundwater declines or groundwater

quality (current or potential) problems are serious enough to warrant the formation of "control" or "management" areas to control, correct, or prevent the problems.

4. Each Natural Resources District is governed by an elected Board of Directors who have the authority to hire staff to implement board policy and programs.

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