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8-24-2003

Draft Legislation for WPTF Executive Committee Consideration

**NRD Regulation of Transfers of Groundwater
And of
Transfers of Rights to Use Groundwater**

Add the following new provision to Section 46-656.25:

(l) It may require district approval of (1) transfers of groundwater off the land where the water is withdrawn and/or (2) transfers of rights to use groundwater that result from district allocations imposed pursuant to subsection (1)(a) of this section or other restrictions on use that are imposed by the district in accordance with this section. Such approval may be required whether the transfer is within the management area, from inside to outside the management area, or from outside to inside the management area. If the district adopts regulations pursuant to this subdivision, such regulations shall require that the district deny or condition the approval of any such transfer when and to the extent such action is necessary to (1) ensure the consistency of the transfer with the purpose or purposes for which the management area was designated; (2) prevent adverse impacts on other groundwater uses or on surface water appropriators; (3) prevent adverse effects on the state's ability to comply with an interstate compact or decree or to fulfill the provisions of any other formal state contract or agreement; and (4) otherwise protect the public interest and prevent detriment to the public welfare.