



# NOTES

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DEPARTMENT OF NATURAL RESOURCES

CONCEPT PAPER FOR SURFACE WATER AND GROUND WATER SUBCOMMITTEE

Fees for Intentional Underground Water Storage

May, 2007

STATUTES:

§ 46-299. Permitee: authorized to levy a fee or assessment; limitation. Any person who has obtained a permit for intentional underground water storage associated with a project not existing on August 26, 1983, and recovery of such water, pursuant to section 46-233, 46-240, 46-241, 46-242, or 46-297 may, subject to section 46-2,101, levy a fee or assessment against any person for the right or probable right to withdraw or otherwise use such stored water. Such fee or assessment may be levied against any land in connection with which such underground water storage has occurred or probably will occur, and may be varied based on the degree to which underground water storage has occurred or will occur. No fee or assessment shall represent more than the fair market value of such recharge, except that a fee or assessment may include a sum sufficient to amortize the operation, maintenance, repair, and capital costs of the project, apportioned on the degree to which recharge has occurred or is likely to occur, and on the degree to which any surface water is delivered.

Situation: Studies are being done on at least one canal system to look at the possibility of changing the use from irrigation to intentional underground water storage. There are laws that would allow a transfer from a natural flow irrigation permit to an intentional underground storage permit. However, under the current law, it appears that if such a change was made, the canal owner would not have authority to request to charge fees to maintain the project.

Should we work on legislation that would allow fees to be charged for an existing project if a transfer of the appropriation from irrigation to intentional underground water storage is approved?

# DNR MEMO

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April 24, 2007

TO: Ann

FROM: Susan

SUBJECT: Proposed Legislation

At the meeting on April 17, you asked us to look at law and make sure law is going to fit the idea of a transfer from an existing irrigation permit to an intentional ground water recharge. Under the provisions of § 46-290(3)(a), a natural flow appropriation for direct out-of-stream use may be changed to an intentional underground water storage appropriation.

Is that all that you needed regarding legislation clarifying authorities for ground water recharge projects?

*Concept paper on  
changing for this →  
Do we want to change law?*