

Reply-To: <ableed@dnr.state.ne.us>
From: "Ann Bleed" <ableed@dnr.state.ne.us>
To: "Ann Diers" <adiers@dnr.state.ne.us>,
 "Brian Barels" <blbare1@nppd.com>,
 "Dennis Strauch" <dstrauch@earthlink.net>,
 "Don Kraus" <dkraus@cnppid.com>,
 "Dave Sands" <dsandsnlt@alltel.net>,
 "Frank Albrecht" <Frank.Albrecht@ngpc.ne.gov>,
 "James Nelson" <jimar@nctc.net>,
 "Larry Hutchinson" <lhutch@ngpc.state.ne.us>,
 "Roger Patterson" <rpatterson6@cox.net>,
 "Steven Huggenberger" <huggenbe@netinfo.ci.lincoln.ne.us>,
 "Steve Gaul" <sgaul@dnr.state.ne.us>,
 "Susan France" <sfrance@dnr.state.ne.us>,
 "Tom Schwarz" <tlschwarz@charter.net>
Subject: Additional change to statutes. Please review ASAP
Date: Tue, 20 Sep 2005 07:53:38 -0500
X-Mailer: Microsoft Outlook IMO, Build 9.0.6604 (9.0.2911.0)
Importance: Low

Dennis Strauch asked us to draft this change. Please review it and get any comments back to Ann Diers ASAP. This change is to allow relinquished acres to be transferred within a district just as adjudicated acres can be. Dennis if you would like to add any further explanation, please do so. Thanks. Ann

Reply-To: <ableed@dnr.state.ne.us>
From: "Ann Bleed" <ableed@dnr.state.ne.us>
To: "Ann Diers" <adiers@dnr.state.ne.us>,
"Brian Barel" <blbarel@nppd.com>,
"Dennis Strauch" <dstrauch@earthlink.net>,
"Don Kraus" <dkraus@cnppid.com>,
"Dave Sands" <dsandsnlt@alltel.net>,
"Frank Albrecht" <Frank.Albrecht@ngpc.ne.gov>,
"James Nelson" <jimar@nctc.net>,
"Larry Hutchinson" <lhutch@ngpc.state.ne.us>,
"Roger Patterson" <rpatterson6@cox.net>,
"Steven Huggenberger" <huggenbe@netinfo.ci.lincoln.ne.us>,
"Steve Gaul" <sgaul@dnr.state.ne.us>,
"Susan France" <sfrance@dnr.state.ne.us>,
"Tom Schwarz" <tlschwarz@charter.net>
Subject: Another attachment for Dennis' request
Date: Wed, 21 Sep 2005 08:45:48 -0500
X-Mailer: Microsoft Outlook IMO, Build 9.0.6604 (9.0.2911.0)
Importance: Low

I am sorry for the confusion on the attachments. Here are the two attachments that you should consider to resolve Dennis's issue. The first is a change in the departments rules, the second is the legislative fixes. Let me know if you have questions or don't want this included in our legislative fixes statutes. Ann



Doc26.doc



Lang for Dennis.doc

46-229.04(5) When an appropriation is held in the name of an irrigation district, reclamation district, public power and irrigation district, or mutual irrigation company or canal company and the director determines that water under that appropriation has not been used on a specific parcel of land for more than five years and that no sufficient cause for such nonuse exists, the right to use water under that appropriation on that parcel shall be terminated and notice of the termination shall be posted on the department's web site and shall be given in the manner provided in subsection (2), (3), or (4) of section 46-229.03. The district or company holding such right shall have five years after the determination or after a relinquishment of the water appropriation as defined by Department rules to assign the right to use that portion of the appropriation to other land within and served by the district or company or to file an application for a transfer in accordance with section 46-290. The department shall be notified of any such assignment within thirty days thereafter. If the district or company does not assign the right to use that portion of the appropriation to other land, does not file an application for a transfer within the five-year period, or does not notify the department within thirty days after any such assignment, that portion of the appropriation shall be canceled without further proceedings by the department and the district or company involved shall be so notified by the department. During the time within which assignment of a portion of an appropriation is pending, the allowable diversion rate for the appropriation involved shall be reduced, as necessary, to avoid inconsistency with the rate allowed by section 46-231 or with any greater rate previously approved for such appropriation by the director in accordance with section 46-229.06.

In Rules

Title 457

Chapter 3 - RELINQUISHMENTS

001 REQUIREMENTS. Any appropriation, or part of any appropriation, may be voluntarily relinquished. The relinquishment shall be made on a form provided by the Department (see Appendix G). If an appropriation is held in the name of an irrigation district, reclamation district, public power and irrigation district, mutual canal or irrigation company, or natural resources district, the relinquishment must be signed by both the landowner and the district or company.