

001.01A Except as provided in B below, For purposes of Section 46-713(3)(a), the surface water supply for a river basin, subbasin, or reach shall be deemed insufficient, if, after considering the impact of the lag effect from existing groundwater pumping in the hydrologically connected area that will deplete the water supply within the next 25 years, it is projected that during the period of May 1 through September 30, inclusive, any surface water irrigation right will on average be unable to divert surface water a sufficient number of days surface water to meet ~~on average eighty-five percent~~ of the annual crop irrigation requirement, or, during the period of July 1 through August 31, inclusive, will be unable to divert surface water a sufficient number of days surface water to meet ~~at least sixty-five percent~~ of the annual-crop irrigation requirement.

001.01B If, at the time granted, any surface water right could not have diverted surface water a sufficient number of days on average for the previous 20 years to satisfy the requirements in 001.01A, the surface water supply for a river basin, subbasin, or reach in which that surface water right is located shall be deemed insufficient only if, after considering the impact ~~of the lag effect from existing ground water pumping~~ in the hydrologically connected area, the impacts to the stream are greater than when the appropriation was granted, the basin shall be considered fully appropriated. ~~that will deplete the water supply within the next 25 years, the average number of days surface water could have been diverted over the previous 20 years is less than the number of days surface water was available on average for the 20 years previous to the time the permit was granted.~~