

1 of acre-inches that are allocated per irrigated acre per year,
2 except that the district may allow a ground water user to average
3 his or her allocation over any reasonable period of time. A ground
4 water user may use his or her allocation on all or any part of
5 the irrigated acres to which the allocation applies or in any other
6 manner approved by the district.

7 (2) Except as permitted pursuant to subsections (4)
8 through (6) of section 46-739, if annual rotation or reduction of
9 irrigated acres is adopted for use of ground water for irrigation
10 purposes in a management area, the nonuse of irrigated acres shall
11 be a uniform percentage reduction of each landowner's irrigated
12 acres within the management area or a subarea of the management
13 area. Such uniform reduction may be adjusted for each landowner
14 based upon crops grown on his or her land to reflect the varying
15 consumptive requirements between crops.

16 (3) Unless an integrated management plan, a rule, or an
17 order is established, adopted, or issued prior to November 1, 2005,
18 no integrated management plan, rule, or order shall limit the use
19 of ground water by a municipality, within an area determined by
20 the department to be fully appropriated pursuant to section 46-714
21 or designated as overappropriated pursuant to section 46-713, until
22 January 1, 2026, except that:

23 (a) Any allocations to a municipality that have been made
24 as of November 1, 2005, shall remain in full force and effect
25 unless changed by the appropriate natural resources district;

1 (b) For any municipality that has not received an
2 allocation as of November 1, 2005, the minimum annual allocation
3 may be the greater of either the amount of ground water authorized
4 by a permit issued pursuant to the Municipal and Rural Domestic
5 Ground Water Transfers Permit Act or the governmental, commercial,
6 and industrial uses of the municipality plus a per capita
7 allowance. Water for commercial and industrial uses may be limited
8 as specified in subdivision (b)(ii) of this subsection.

9 (i) The per capita allowance shall be based on the
10 location of the municipality, increasing in equal increments from
11 east to west and shall not be less than two hundred gallons per
12 person per day at 95 degrees, 19 minutes, 00 seconds longitude
13 and not less than two hundred fifty gallons per person per day at
14 104 degrees, 04 minutes, 00 seconds longitude. Persons served by
15 a municipality outside of its corporate limits shall be considered
16 part of the municipality's population if such service begins prior
17 to January 1, 2026.

18 (ii) Prior to January 1, 2026, any new or expanded
19 single commercial or single industrial development served by any
20 municipality within the fully appropriated or overappropriated area
21 which, after the effective date of this act, commences water use
22 resulting in the consumptive use of water in amounts greater than
23 twenty-five million gallons annually may be subject to controls
24 adopted pursuant to section 46-715;

25 (c) Prior to January 1, 2026, increases in the

1 consumptive use of water by a municipality that result in a
2 decrease in streamflow shall be addressed by the integrated
3 management plan pursuant to controls or incentive programs
4 adopted pursuant to section 46-715, and shall not affect the
5 municipal allocations outlined in subdivisions (3)(a) and (b)
6 of this section. Any permanent reduction in consumptive use of
7 water associated with municipal growth, including governmental,
8 industrial, and commercial growth, during the period between the
9 effective date of this act and January 1, 2026, shall accrue to
10 the benefit of the natural resources district within which such
11 municipality is located; and

12 (d) To qualify for the exemption specified in subsection
13 (3) of this section, any city of the metropolitan class, city of
14 the primary class, city of the first class, or city of the second
15 class shall file a conservation plan with the natural resources
16 district, if required by the integrated management plan. Villages
17 and other municipalities smaller than a city of the second class
18 shall not be required to submit a conservation plan to qualify for
19 such exemption.

20 (4) On and after January 1, 2026, the base amount for
21 an annual allocation to a municipality shall be determined as
22 the greater of either (a) the amount of water authorized by a
23 permit issued pursuant to the Municipal and Rural Domestic Ground
24 Water Transfers Permit Act or (b) the greatest annual use prior
25 to January 1, 2026, for uses specified in subdivision (3)(b) of

1 this section plus the per capita allowance described in subdivision
2 (3)(b)(i) of this section. On and after January 1, 2026, increases
3 in the consumptive use of water by a municipality that result
4 in a decrease in streamflow shall be addressed by the integrated
5 management plan pursuant to controls or incentive programs adopted
6 pursuant to section 46-715. Each municipality may be subject to
7 controls adopted pursuant to such section for amounts in excess of
8 the allocations.

9 (5) Unless an integrated management plan, rule, or order
10 is established, adopted, or issued prior to November 1, 2005,
11 no integrated management plan, rule, or order shall limit the
12 use of ground water by a nonmunicipal commercial or industrial
13 water user within an area determined by the department to be
14 fully appropriated pursuant to section 46-714 or designated as
15 overappropriated pursuant to section 46-713, until January 1, 2026,
16 except that:

17 (a) Prior to January 1, 2026, the minimum annual
18 allocation for a nonmunicipal commercial or industrial user shall
19 be the greater of either (i) the amount specified in a permit
20 issued pursuant to the Industrial Ground Water Regulatory Act or
21 (ii) the amount necessary to achieve the commercial or industrial
22 use, including all new or expanded uses that consume less than
23 twenty-five million gallons annually. Any such increases shall be
24 subject to the controls or incentive programs adopted pursuant to
25 section 46-715;

1 (b) Any increase in consumptive use of water greater
2 than twenty-five million gallons annually by a new or expanded
3 nonmunicipal commercial or industrial user within an area
4 determined by the department to be fully appropriated pursuant
5 to section 46-714 or designated as overappropriated pursuant to
6 section 46-713 that results in a decrease in streamflow shall be
7 subject to the controls or incentive programs adopted pursuant to
8 section 46-715. Each new use may be subject to controls adopted
9 pursuant to such section for amounts in excess of the specified
10 allocations;

11 (c) On and after January 1, 2026, the base amount
12 for an annual allocation to a nonmunicipal commercial or
13 industrial user within an area determined by the department to
14 be fully appropriated pursuant to section 46-714 or designated as
15 overappropriated pursuant to section 46-713 shall be the amount
16 specified in subdivision (5)(a) or (b) of this section;

17 (d) On and after January 1, 2026, increases in the
18 consumptive use of water by a nonmunicipal commercial or industrial
19 water user that result in a decrease in streamflow shall be
20 addressed by the integrated management plan pursuant to controls or
21 incentive programs adopted pursuant to section 46-715; and

22 (e) Any reduction in consumptive use associated with new
23 nonmunicipal industrial or commercial uses of less than twenty-five
24 million gallons, during the period between the effective date
25 of this act and January 1, 2026, shall accrue to the benefit

1 of the natural resources district within which such nonmunicipal
2 industrial or commercial user is located.

3 Sec. 18. Section 61-205, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 61-205 The Department of Natural Resources shall exercise
6 the powers and perform the duties assigned to the Department of
7 Water Resources prior to July 1, 2000. The Department of Natural
8 Resources shall exercise the powers and perform the duties assigned
9 to the Nebraska Natural Resources Commission prior to July 1, 2000,
10 except as otherwise specifically provided.

11 The Director of Natural Resources and his or her duly
12 authorized assistants shall have access at all reasonable times
13 to all dams, reservoirs, hydroelectric plants, water measuring
14 devices, and headgates, and other devices for diverting water, for
15 the purpose of performing the duties assigned to the department.

16 Sec. 19. Original sections 46-229.02, 46-229.03,
17 46-229.04, 46-290, 46-291, 46-294.01, 46-2,112, 46-2,136, 46-602,
18 46-655.01, 46-683, 46-691.03, 46-706, 46-719, 46-740, and 61-205,
19 Reissue Revised Statutes of Nebraska, and sections 2-1588 and
20 2-3240, Revised Statutes Cumulative Supplement, 2004, are repealed.