

Ann Diers

From: Ann Diers [adiers@dnr.state.ne.us]
Sent: Thursday, December 15, 2005 12:29 PM
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Subject: Addition to proposed legislation re 46-229.04

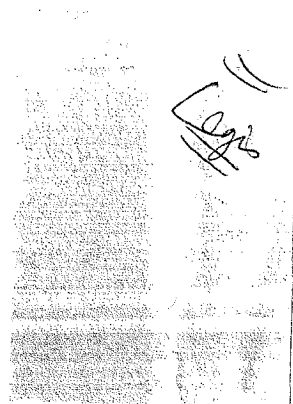
Good afternoon:

Attached is a pdf document of statute Section 46-229.04, showing the changes that the WPTF has approved to date, and with additional changes hand-written in on the page marked as page 12. The hand-written changes were the changes that Dennis Strauch mentioned in our meeting the other day.

If the Task Force is okay with these additional changes when it meets next week, I will try to get the changes added to the draft we have sent to Senator Schrock's office.

Ann

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1 provided in subsection (2), (3), or (4) of section 46-229.03. The
2 district or company holding such right shall have five years after
3 the determination, or five years after an order of cancellation
4 issued by the department following the filing of a voluntary
5 relinquishment of the water appropriation that has been signed by
6 the landowner and the appropriator of record, to assign the right
7 to use that portion of the appropriation to other land within ~~and~~
8 served by the ~~district of~~ company or to file an application for
9 a transfer in accordance with section 46-290. The department shall
10 be notified of any such assignment within thirty days thereafter.
11 If the district or company does not assign the right to use that
12 portion of the appropriation to other land, does not file an
13 application for a transfer within the five-year period, or does not
14 notify the department within thirty days after any such assignment,
15 that portion of the appropriation shall be canceled without further
16 proceedings by the department and the district or company involved
17 shall be so notified by the department. During the time within
18 which assignment of a portion of an appropriation is pending, the
19 allowable diversion rate for the appropriation involved shall be
20 reduced, as necessary, to avoid inconsistency with the rate allowed
21 by section 46-231 or with any greater rate previously approved
22 for such appropriation by the director in accordance with section
23 46-229.06.

24 (6) When it is determined by the director that an
25 appropriation, for which the location of use has been temporarily
26 transferred in accordance with sections 46-290 to 46-294, has not
27 been used at the new location for more than five years and that

(X)

the district or/area

issue its order
of cancellation
within 60 days
of receipt of
the voluntary
relinquishment.