

12/12

Holity In Kearney
SW - G W Subcommittee - WPTF

<u>Name</u>	<u>Representing</u>
Ann Blood	DNR
Dennis Strauch	PEO
Dan Kram	CWPPID
Steve Huggenberger	Muni
Al Schmidt	Middle Twp Ins.
Knoll Cell	LLNRD
Dan Smith	MRNRD
John Thiburn	Tri-Basin NRD
Brian BARELS	NPPD
Ann Drees	DNR
DEAN EDSON	NARD

12/12

SW / GW Subcommittee - WPTF

AB - (I) SW trans. - left 4 GW.

DK - Anything likely to solve this (I) lost tree??

AB - If SW user can't use well - an (I) Smecher taking a water rt. used to have but don't have any more.
(P) well can't operate = importation of water by ID.
If don't allow - people give up SW rt + ID goes out of bus. + wells go out.

JT - Under what circs. tell how well?

AB - Q -

~~if~~ Why give up rt.?

ALS - Would give up SW rt. so can continue to use well.

BB - Hurdle = irrig. Could give it up + goes to ID + ID transfer. If trans. + results in ↑ in acres - Dept with transfer.

JT - How Dept know?

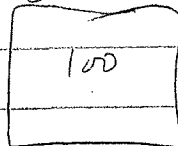
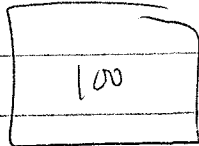
AB - Know where wells are. Would it know

under say trans.

BB - DM + Entrepreneur world know

AB - Co-junctive use problem
Are areas where want to keep ID viable
% of imported water
maybe part of solution is to recognize
that condition. Have rules that say
where low dependent on exchange from
SW - role special rules for that
situation.

Assume would be rest of IPs
maybe there has been too significant to
date % of conjunctive aspect of (2).



50 ET
50 Redage

+50

+50
-100
-50

No transfer

~~100~~
~~50~~
~~50~~
~~100~~

(-50)

[constant
ques
with +

AB → -50 (using GW) +50

BB - Zero net gain.

no redage]

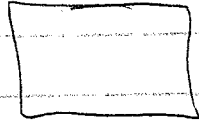
AB - $\frac{1}{3}$ able to allow SW trans. as long as
net chg. in WU doesn't chg. of transfer.

DK had the water test.

AB - driving 50 acres.

DK -

AB -



1st Track

if we well
consume
50 mg.

Taking 100 mg. (SW)
+ putting on
another track

↑ CU of 50

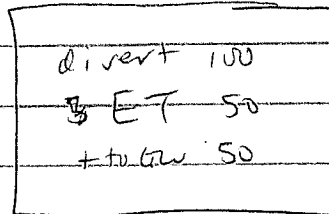
End of (-50).

2nd Track

Adding 100
consume 50

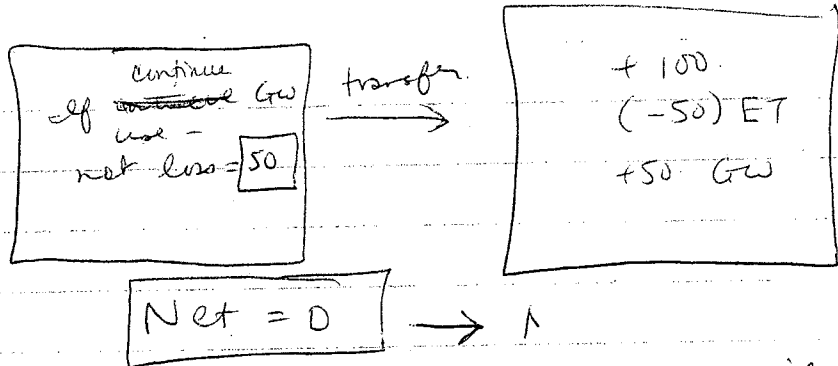
net +50

Current wt. →
(Baseline) →



Net =
+50

2nd Step

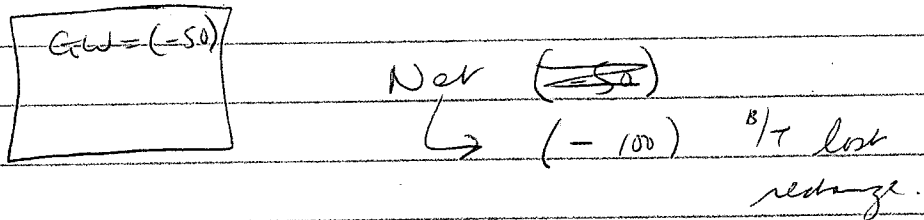


BB - Basic assumption - if car transfer - will use well + SW goes away.

AB - When allow trans - - can use well on old (-50) + new field brings in 100 → net (0).

RC - Don't want to get rid of SW - but don't want expanded acres.

AB - 3rd Option = don't allow trans.



Don Edson - Get credit to measure if SW goes away?

BB -

RK - if get back to fully approp., what happens to water = Q - mark.

ALS - Contain transfer that they can't be

allowed to cancel K...?

AD - Don't think you'd do - integrate 4K

BB -

DK - Pass law - can't cancel K.
Under DS - had - have to continue to
pay

DS - Not a K - but oblig. to pay whether
take water or not.

DK - 1) Dept says address in 1 yr.,
if doesn't get addressed - left holding the bag.

AB - Concern may be less than were worrying
about.

Ex. if allow transfers + result
= 10K acres new - concern re: offset
if only ① re: couple hundred acres.

BUT - if a bigger # acres - a
bigger problem → more resp. for
going out + figuring how to buy
or regulate.

How to offer new acres?

JT - Could be the person who want to do
the offer.

BB - or the person who want to use the
well.

AB - Ordinance: not allowed to do trans-
unless finds offset.

Dr Edm - What about impact to "head"
of system? Because bound to
deliver to people in the end?

ALS - Yes - hard.

BB - If take 10 customers - + he's on
bottom - he gets less - or losses
or canals.

AB - how not allowed to divert unless a "B.U."
Have to chg. statute.

Dem E - If lose customers will have enough
water to make delivery.

AB - + will be redesigning system.

DE - Way to get head + return...

AB - Chg. law to recognize conjunctive aspects

JT - Not just hydrologic prob. - but
economic prob.

AB - Chg. to intentional recharge project.

BB - Who pays to keep going...

DE - Both intentional recharge + delivery project.

AB - Could be both - may need to chg. stat.

DK - What % of stat chg.:

- 1) Pass if req. NRD or DNR to agree.
- 2) Go back to Dept + NRD agree to deal
with 1/2 up to a cap. amount. Does

away w/ big risk - + allows
transfer to go forward.
Puts oblig. on NRD

JT - a could put on indw.

DK - Have to chg rules to allow?

AB - DNR = no auth. re: require offset a indw.
re: well.

JT - chg NRD = no prob -

AB - Then certain point that allow
if indw. cert has an offset OR
NRD provides cert. they'd drop offset
Puts under a NRD.

DK - chg say "will deal w/ in INP" = non
specific re: who deals w/.

AB - Q of liability

BB - Who offers?

AB - Person who does transfer.

RC - Could be better one.

AB - one in book = one who cares for
transfer.

AS - Re: cap - what's boundaries of cap?

BB - why a cap if need cert.
w/ potential

1) Cert NRD in INP

2) " indw.

3) Cert NRD + In P ~~INP~~

4) w/ Cap.

BB - Why need cong of NRD / DNR agree?

- BB -
- 1) Cong NRD
 - 2) Cong indiv.
 - 3) NRD / DNR (don't need cong of reg's offer).

→ w/ cong - its automatic they'll get it. No "person".

AB - one step further
if no IMP -
Extra 3K at of all B/H IMP.
Per to IMP -

Q = how offer 3K of ??
Potential for DNR saying "we have no success"
"for NRD to do" + NRD say "you're
the one who allowed ..."

JT - need agree on AF

DS - Controls didn't do - are we to
prevent a limit transfer. Why look
at?

DK - Goes to & rechange a transfer.
if NO SW - goes to (-100) - lose
another 50 of of rechange by DON'T
try to make it work.

BB - Quality (Z) too.

AB - one way to do = not allow tras. unless
w/ front agree B/H NRD + DNR re, low

to deal w/ in IMP.

BB - How will NRD offer for mine??

AB - F/A or O-A area - if NRD allows new ind. use - has to be offer.

BB - Agreed to that..

AB - need chg. in law.

if mine chg. goes thru - NRDs will agree..

BB - Should be see here.

AB - Could do chg. to law like in mine's other alternative = agree w/ ind. NRD.

JT - no prob.

"DNR/NRD agree to deal w/ in IMP" - leaves open

AB - DNR fine w/ w/ "NRD will deal w/."

RC - by IMP say landowner will take care of it.

BB - Expansion in GW

DS - mine - no - can't do.

if gets 13" from 10 - gets 8 GW.

BB - What about CPNRD?

DS - Don't know.

AB - (I) = what to do b/t now + when IMP done?

DNR/NRD come to agree w/ whether allow

D Str^{er} Steps?

AB - Correct - reason not allowing now.

D Str. dg need tras. -
how?

need smthg if guy will to discontinue
use.

To ~~not~~ both?

AB - Not a prob. if no expansion of acres.

JT - Prob - if use GW on diff. tract -
you'll drill new well. dg ~~not~~ more
a problem

Even if return old well - add'l well =
new well - new prints - NPD

not issuing prints b/c more.

Not considered replace - let thro us.

AB - DNR considers transfer. Up to NPD to
issue variance for good cause then
As long as idea abundant well.,

D Str - Not abundant well - abundant use

of GW on that tract

JT - less difficult - transfer of cat acres

AB - Key = if not using water or exist -
allow.

D Str - How?

AB DNR = no auth. re: tell landowners can't
use well in land - NRD resp.
What if ar. for GW + SW?

JT Told them OK to move SW off +
we said OK to use GW in tract.

AB DNR won't allow to move them.

JT People can ~~not~~ work the system.

AB DNR won't ignore conjunctive use situations.

JT NRD
Zoned, } someone has to deal
ID } ↑ CU

DK I agree

AB Not sure can do by rule - has real statute.

DS - - if not in parameters - can't do.

BB - ? in CU by GW person??

JT - water re: -

Can say "Can't give up SW re + just use well"

[B/c well + SW re both pre-date
rules.

Well permit re. - have agree to keep Central
(ANDPID) contract to all well permit.

AB - Applicant comes in -

- 1) DNR / NRD = review.
- 2) SW transfer / retain GW - prob -
DNR = no juris. over GW well.

if not Applicant comes H/land

- 1) Trans. of SW + don't have ind. -
say "no" ? 2) Allow unless agree.
if NRD + what does K Cook like?
- 3) Pass law to allow settling under new
law?

- 1) Trans. SW + will continue to use well
+ willing to do settling
- We say "no" unless can work w/ NRD
to be sure stopped using well on land.

Add to rule → "Allow if agree w/ NRD to be sure
land not irrig. w/ well"

(up to NRD re: whether agree w/ DNR)

SH - Condition transfer + void transfer.

DS - Only approve trans. if no ↑ in
if ↑ in CU can approve.

AB - Allow Ejector for GCS.
46-294 (1)(d).

SH - Say make condition + see if transfer
falls apart.

BB - 46-294(1)(d).
Except sub-§ (4)

AB - Sub - (4)

BB - 46-294(2) - arg under (b) =
"# of acres to be irrig. "by the SW
permit" will not ↑ after transfer."

AB - Could try to chg law. Not what
it says now.
Problem = as written -

46-294(d). When "alone or carried by
any new or ↑ use"

BB - If want the intent, no need to
add this language.

AB - Need chg of law

OK - (1)(d) = broader - talks of
new uses @ the source
Goes to test of diminished supply @
orig. source.

BB/
DSt - want inter.

DK - Wrote it to say "this will need no
burn test" - know there's a problem.

AB - Can do what want to do by the law.
Recall - next - don't get into detail
re: type of injury (e.g. grants
vs. profit) + avoid arg by
saying "injury to injury."

Could do by law.

SH - Force ~ NKD?

AB - Not sure - who's resp.?

D Stn - decrease occurs b/c guys pass well.

BB - Goal = keep benefit of redage for quality/~~quantity~~
quantity.
If a SW fails - they'll lose it.

DK - Str. clear - need ^{effect of impact.}
Think NKDs will tell DNK they
have to do it. (b/c they approved transfer).

Break for lunch

Q- How deal w/ ↑ acres as result of SW trans.

- 1) Can do unless indiv. offsets.
- 2) DNR won't allow unless we agree
B/T DNR + NRD re: way offset divided.
- 3) Chg. stat. to allow it.

BB-

FOR sw trans from lands & wells
approved if offset provided.

if not - Dept. notifies indiv. can't use
well to irrig. tract.

if Dept. doesn't have auth. - S/B gives it.

→ if cert - everyone agrees.

OR

Notification -

AB - deal??

BB-

JT- Why wouldn't Dept. just deny transfer?

Dept. doesn't have auth. re: well.,

DK - limited re: that well. Could have Dept.

do Notice + NRD Contact well over.

AB - Could do + give NRD notice + NRD =
resp. for regulating.

AD - NRDs certify as irrigated =

D.S. - Reluctant re: wording - may want to
use wells elsewhere.

BB
insert:

1) offsets provided as certified, or
Disseminate
Notif. to landowner + NRD that well will
not be used for irrig. of that tract
of land unless such use is in
compliance ^{DK1} with rules + regs. ^{for NRD,} and would
not result in an increase in CU.

< JT + D.S. need to see language >

DE - Concern will adjust / give up SW rt.

DK -

AB - Responsibility, under BB formulation,
bears resp. of NRD.

DE - How do we do that?
Restrict?

AB - Would be part of GW system

Prevent adverse effect 46-739(1)(K)(B)

JT: 46-714(3)(i),

cut permit
+ = alt.

AB - End district,
Give order to NRD to deal w/it.

DS - Well cope w/it.

JT - Exception

46-714(3)(i) - AB - OK b/c trans. of
SW w/ - SW w/ not expand.

JT - As consequence - cu of well ↑.

AB - "or"

46-294 - prob. except NRD states case of.

DS - SW trans. that dist gran. no ↑ in cu -
you can't approve...

JT - By reading, (i) can only refer to well
under DNR juris.

→ Well permit NOT transferable by law.

DS - Didn't chg. under 962.

provided for transfers - transfer of
a "right to use GW" - NOT
transfer of a "permit"

BB - Permit can't transfer but use can?

DS - Permit can't transfer b/c land owner.
Well doesn't have a permit. Have a
permit to construct, but after constructed,

Well 4 in 50 ft. of stream = DNR permit.

JT - So need not chg. 46-714(3)(i).

< B/c SW trans. didn't ↑ CU from
the CU of SW permitted >.

⊗ Type up Brian's language. + get to group.