

Ann Diers

From: Ann Bleed [ableed@dnr.state.ne.us]
Sent: Tuesday, December 20, 2005 8:44 AM
To: Ann Diers
Subject: FW: League Legislation

*Need to address
ref for effect*

-----Original Message-----

From: MARBURGER, SHARON [mailto:SMARBURG@FCLAW.com] **On Behalf Of** BLANKENAU, DON
Sent: Monday, December 19, 2005 4:19 PM
To: lash chaffin; Kent O Miller; dsmith@mrnrd.org; Ted Cook; Steven Huggenberger; Ron Bishop; Patrick Heath; John Turnbull; Gary Mader; Ed Schrock; Don Kraus; David Cookson; Dan Crouchley; Curt Friesen; Clint Johannes; Brian Barels; Dean Edson; BLANKENAU, DON; Ann Bleed; Ted Cook; BLANKENAU, DON; Bob Rager; Chris Anderson; Dan Crouchley; Dean Skokan; Dennis Smith; Gary Mader; Jack Vavra; John Heil; Jordan Ball; Mike Lucas; Pat Heath; Steve Huggenburg; Steve Kelley; Steve Krajewski
Cc: Gary Krumland; L.Lynn Rex; Mary Sommermeyer; BLANKENAU, DON
Subject: League Legislation

Please disregard the previous version. Use this one. Thanks.

On behalf of Don Blankenau,

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12/20/2005

DNR 014481

TASK FORCE MUNICIPAL SUBCOMMITTEE/LEAGUE OF MUNICIPALITIES
PROPOSAL (12-19-05)

Nebraska Revised Statutes § 46-740. Add new subsection (3). Unless established by a natural resources district prior to November 1, 2005, no integrated management plan, rule or order shall limit the use of ground water by a municipality within an area designated by the department as fully- or over-appropriated, until January 1, 2026 *except* as specified in this section.

Until January 1, 2026, the minimum annual allocation for a municipality may be the greater of either: (1) the amount of water authorized by a permit issued pursuant to Neb. Rev. Stat. § 46-638 et seq.; or (2) the existing commercial, industrial and governmental uses *plus* a per capita allowance. The per capita allowance shall be based on the location of the municipality, increasing in equal increments from east to west and shall not be less than 200 gallons per person per day at 95°19'00" longitude and not less than 250 gallons per person per day at 104°04'00" longitude. Persons served by a municipality outside of its corporate limits shall be considered part of the municipality's population provided such service begins prior to January 1, 2026. Prior to January 1, 2026, any new single commercial or single industrial development following the effective date of this provision that results in the consumptive use of water in amounts greater than 25,000,000 gallons annually, may be subject to controls adopted pursuant to Neb. Rev. Stat. § 46-715.

Prior to January 1, 2026, increases in the consumptive use of ground water by a municipality that result in a decrease in streamflow shall be addressed by the applicable natural resources district pursuant to controls and/or incentive programs adopted pursuant to Neb. Rev. Stat. § 46-715. Any conservation of water or reduction in irrigated acres associated with municipal, industrial and commercial growth during the period between the effective date of this provision and January 1, 2026 shall accrue to the benefit of the natural resources district within which such municipality is located.

Any allocations to a municipality that have been made as of the effective date of this act shall remain in full force and effect unless changed by the appropriate natural resources district.

(4) To qualify for the exemption specified in subsection (3) of this section, all municipalities of the first class and/or and larger shall file with the department and natural resources district a conservation plan as presently required by the Department of Health and Human Services pursuant to Neb. Rev. Stat. § 71-5304(e). Municipalities smaller than cities of the first class shall not be required to submit a plan to be exempt from water use limitations.