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Sent: Monday, December 19, 2005 8:14 AM
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Subject: League legislation -12-13-05_v1.DOC



League legislation
-12-13-05_v...

<<League legislation -12-13-05_v1.DOC>> I've revised this draft a little. I'd like to send it to the League for their circulation. Can both of you take a look and get back to me today? Thanks

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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} 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. Any new single commercial or single industrial developments ^{an} that result in the consumptive use of water prior to January 1, 2026 in amounts greater than 25,000,000 gallons annually, may be subject to controls adopted pursuant to Neb. Rev. Stat. § 46-715. (S)

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 controls adopted pursuant to Neb. Rev. Stat. § 46-715. Any conservation of water or reduction in irrigated acres associated with municipal 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.

In order to qualify for the exception stated with the department
(4) ~~To be exempt from water use limitations as specified in subsection (3) of this section, all municipalities of the first class or and larger shall file a conservation plan as presently required by the Department of Health and Human Services. Municipalities smaller than cities of the first class shall not be required to submit a plan to be exempt from water use limitations.~~

The applicable natural resources district may require
Prior to adoption of controls pursuant
to 46-715,

in order
shall be subject to the controls of the applicable natural resources district's relating to the amount of consumptive use in excess of 25,000,000 gallons annually

new controls and industrial users to agree to address controls to the increase in Cl.

the applicable natural resource district

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