

**Task Force Municipal Subcommittee/League of Municipalities Proposal (10/28/05)
Modified for Rural Economic Development and Public Power (11/17/05)**

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 until January 1, 2026 *except* as limited in subsection (4) of this section.

After January 1, 2026, the minimum annual allocation for a municipality or industrial, commercial or public power use outside of municipality may be the greater of either (i) the highest annual withdrawal and use of ground water that occurred between the effective date of this legislation and January 1, 2026 or (ii) the amount of water authorized by a permit issued pursuant to Neb. Rev. Stat. § 46-638 et seq.. Such future municipal allocations shall include an annual increase for domestic use on a per capita basis for any increases in population in each municipality after January 1, 2026. Persons served by the municipality outside of its corporate limits shall be considered as part of the municipality's population provided that service was provided prior to January 1, 2026. The additional domestic use allocation shall be based on the location of the city 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.

Any increase in the consumptive use of ground water by a municipality that results in a decrease in streamflow shall be addressed by any other controls adopted pursuant to Neb. Rev. Stat. § 46-715. Any conservation of water or reduction in irrigated acres associated with municipal growth or industrial, commercial or public power growth outside of municipalities 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 for use in providing offsets to impacts to streamflow caused by increased consumption described within this section.

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 otherwise changed.

(4) To be exempt from water use limitations as specified in subsection (3) of this section, all cities of the first class and larger shall file a plan indicating anticipated growth for the next 20 year period. Such plans need not specifically address the use of water but shall contain a concise estimate of population, commercial and industrial growth. Cities smaller than first class cities shall not be required to submit a plan to be exempt from water use limitations.

Tumbull - ① Concern re. any entity - whether city or entity -
+ someone else accountable for offset.

② 20 yr. window - why not just exempt
everyone from 96??

Bald - We were willing to go w/ original.
Minn's tried to work out & be agreeable

Tumbull - Set aside - for a yr. or 2 + see
what happens in (10/05)

Last of another goes 4/ward - will to look at.
Turnbull - don't want to be forced 4/ward of effort for
more slot.

Last - Can blame the state.

Huggelberg - even under previous drops - how it could
work.

Turnbull - didn't like that either.

Jonathan - Closure needed.

This proposal, or one generated last time.
City OK w/ either.

Re: Sub-com - where ?? Need focus.

DNR Proposal

AB - go w/ shorter than 20-yr. period
for now.

Bull - 20 yrs. proposal. B/C period of the regulated
cut down yrs + acceptability B/C less.

Last - @ one point will draw attention of board
trucks. 20 yrs - tied to

AB - City can still care in for main trans
if no transfer - no permit.
maybe say city could care in for permit
whether transfer or not.

Last - New permit?

AB - Yes. We could do shorter window than
deal of 2 imp.

Last - artificial barrier.

(2)

AB - SPNRD Resolution

KF - Water - or cost were worried about?

Probably cost

No sharing of NRP less all cost.

Loch - Sure my my \$.

Bigger issue among officials = getting water

KF - No heartburn - but can see where NRD would be concerned.

Turnbull - I'm left w/ bag.

AB - cly for industry - over & out - the city and/or industry proves offset.

SH - Already said outside 20 yrs.

AB - idea - if plant comes in to use city water - they'd have to provide

Bishop - problem I'm facing - 5 new plants. 1600 acres to retire for 1 Eth. plant.

BB - my problem is - City of Albion - no offset.

Return to large group.

BB - Start 1st yr. + deal w/ domestic stuff.

AB - Core up w/ gallon out for sewage utility + anything else offset by more other than NRD / DNR.

Bill - Wants re Eth. Plants

Troubles re to re "industry."

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Bishop - Ball - AB -

Justin - "large industry"

Lash - large acct.

BB - consumption,

Lash - agree.

SH - New users

Kh - limits on industry.