

Task Force Municipal Subcommittee/League of Municipalities Proposal (10/28/05)

Applies only in areas declared to be fully or overappropriated

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 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 permanent 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 sections-], and may be more than the per person per day amounts referenced herein if approved by the natural resources district. Any action required to be taken pursuant to Neb. Rev. Stat. § 46-715(3)(c) as a result of increases in consumptive use prior to January 1, 2026, and increases in consumptive use due to the annual per capita increase after January 1, 2026, shall be addressed in the Integrated Management Plan in the basin within which the municipality is located. Any action required to be taken pursuant to Neb. Rev. Stat. § 46-715(3)(c) as a result of increases in consumptive use after January 1, 2026, that are not due to the annual per capita increase shall be the responsibility of the municipality. Needs to be more discussion on language]. [How do we deal with offsets when the retirement is a surface water right?]

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 with the DNR and NRD. 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.

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Ann Diers

From: Lash Chaffin [LashC@lonm.org]
Sent: Monday, November 21, 2005 10:08 AM
To: adiers@dnr.state.ne.us
Subject: FW: Meeting of Water Subcommittee on Municipal Issues - December 8, 3:00 p.m.

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

From: Lash Chaffin
Sent: Monday, November 21, 2005 9:34 AM
To: 'Kent O Miller'; 'dsmith@mnrnd.org'; 'Ted Cook'; 'Steven Huggenberger'; 'Ron Bishop'; 'Patrick Heath'; Lash Chaffin; 'John Turnbull'; 'Gary Mader'; 'Ed Schrock'; 'Don Kraus'; 'David Cookson'; 'Dan Crouchley'; 'Curt Friesen'; 'Clint Johannes'; 'Brian Barel'; 'Dean Edson'; 'Don Blankenau'; 'Ann Bleed'; 'Ted Cook (tcook@dawsonppd.com)'; 'BLANKENAU, DON'; 'Bob Rager (brager@cityofholdrege.org)'; 'Chris Anderson (ctyadm@cconline.net)'; 'Dan Crouchley (dan_crouchley@mudnebr.com)'; 'Dean Skokan (skokan@tvsonline.net)'; 'Dennis Smith (dsmith@ci.norfolk.ne.us)'; 'Gary Mader (gmader@grand-island.com)'; 'Jack Vavra (jvavra@cityofyork.net)'; 'John Heil (jheil@bairdholm.com)'; 'Jordan Ball (jmball@charter.net)'; 'Mike Lucas (utilsup@kdsi.net)'; 'Pat Heath (pheath@gering.org)'; 'Steve Huggenburg (huggenbe@ci.lincoln.ne.us)'; 'Steve Kelley (skelley@bpw.ci.beatrice.ne.us)'; 'Steve Krajewski (steve.krajewski@ogallala-ne.gov)'
Cc: Gary Krumland; L.Lynn Rex; Mary Sommermeyer
Subject: Meeting of Water Subcommittee on Municipal Issues - December 8, 3:00 p.m.

A meeting of the Governor's Water Task Force Municipal Issues Subcommittee has been scheduled for December 8, 2005, at 3:00 p.m. at the League Office Building located at 1335 L Street in Lincoln.

The purpose of the meeting is to find an appropriate number to define large industry under the municipal legislative proposal, and to discuss clarification language requested by the Department of Natural Resources.

I will forward language next week.

Also, we are working to obtain the gross and net water usage for some representative large industrial water users across the state for your analysis.

Thanks.

Lash

11/21/2005

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