

Ann Diers

From: Ann Diers [adiers@dnr.state.ne.us]
Sent: Thursday, November 17, 2005 9:29 PM
To: 'ableed@dnr.state.ne.us'
Subject: RE: Draft Water Legislation

Ann:

On November 3rd, I emailed you a revised draft of the earlier version of this legislation. In that draft, I had added language to clarify several points: that the NRD has responsibility for any offsets required during the 20 year period, and for any offsets on the per capita amount after 2026, that the municipality would have responsibility for any offsets required for increases beyond the per capita amount after 2026, and that the NRD may allow higher per capita amounts in its discretion. I have attached to this email a revised version of the draft legislation you sent this evening to include those clarifications. I continue to believe it is best to be specific about these issues.

Ann

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

From: Ann Bleed [mailto:ableed@dnr.state.ne.us]
Sent: Thursday, November 17, 2005 8:34 PM
To: Tina Kurtz; Jonathan Bartsch; Ann Diers
Subject: FW: Draft Water Legislation

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

From: lash chaffin [mailto:lashc@lonm.org]
Sent: Wednesday, November 16, 2005 4:13 PM
To: '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 Barels'; 'Dean Edson'; 'Don Blankenau'; '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: L.Lynn Rex; Gary Krumland
Subject: Draft Water Legislation

Attached is the draft legislation.

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

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 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 ~~shall increase~~ increasing in equal increments from east to west across the state, 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, 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 the responsibility of the natural resources district 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.

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 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 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.