

Ann Diers

From: Ann Diers [adiers@dnr.state.ne.us]
Sent: Thursday, November 03, 2005 8:50 AM
To: Ann Bleed (ableed@dnr.state.ne.us)
Subject: Muni Proposal Redraft

Ann:
Attached is the redraft of the Muni Proposal. I added language to clarify that higher per person per day amounts may be approved by the NRD. I also added wording to clarify who has the responsibility for and action required as a result of Section 46-715(3)(c).

I would like to be in on any telephone conversation you have with Don Blankenau relating to these revisions, if possible.
Ann

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

Nebraska Revised Statutes § 46- 740. **Add new subsection (3).** Unless already established by a natural resources district, no Integrated Management Plan or water quantity management plan shall set an allocation for municipalities until January 1, 2026. On January 1, 2026, the greatest historical withdrawal and use of water by each municipality shall constitute the minimum amount of water such municipality will be allocated for future withdrawal and use. If a municipality holds a permit pursuant to Neb. Rev. Stat. § 46-638 et seq. it may elect to accept the amount authorized under such permit to constitute its allocation. Such allocations shall further increase annually 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. The additional domestic use allocation shall be based on the location of the city, shall increase 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 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 in accord with this section.