

Ann Diers

From: Ann Bleed [ableed@dnr.state.ne.us]
Sent: Wednesday, September 07, 2005 8:09 PM
To: 'David Cookson'
Cc: Ann Diers; Tina Kurtz; Rod Horn
Subject: Fw: Latest WPTF Municipality Committee's Current Draft Proposal

Dave - thought you should see this. Have you scheduled another municipal subcommittee meeting? If so, Rod would like to know when. Ann

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

From: Rod Horn
To: Ron Bishop ; John Turnbull ; Ann S. Bleed
Cc: Keith Rexroth ; Cheryl Burkhart-Kriesel ; Dean E. Edson ; Tina Kurtz ; Ann Diers
Sent: Saturday, September 03, 2005 3:17 PM
Subject: Fw: Latest WPTF Municipality Committee's Current Draft Proposal

Greetings,

Monday, August 22, 2005, our IMP Subcommittee met before our IMP Work Group meeting. The IMP Subcommittee members include members from our work group plus Gary Person, Manager/Economic Director of the City of Sidney.

As part of the subcommittee's discussion, we talked about the WPTF Municipality Committee's latest draft to develop a formula to determine a baseline for water use (plus some wiggle room) for the municipalities. During the discussion, Gary Person quoted an area of about 7,000 acres (City of Sidney Corporate acres (4,344) plus acres outside of the corporate limits) that could be used in the proposed draft formula. Below is Gary Person's response to my request to provide me a map of the areas he was considering in his 7,000 acres. In my guestimate, **Parts I and 2**, of the draft proposal are not fair to other water users. Is this another way to spell "exemption", or is this to create a ceiling and not a baseline?

For example:

The City of Sidney's population is about 6,300. In 2004, the city pumped about 751,447,000 gallons, which computes to about 327 gallons/capita. However, if you work the WPTF committee's current draft proposal, including **Parts 1 and 2**, the calculated figure could be about 2.3 times their 2004 pumping figure or 746 gallons per capita per day. Keep in mind that under the proposal the community would still be able to add 250 gallons/capita/day as the city grows. Please bear with me as I try to explain.

7,000 acres (includes 4,344 acres within municipal corporate limits plus about 2,656 acres for the municipal water supply system outside the corporate limits) x 6 inches per acre x 27,154 gallons per acre-in = 1,140,468,000 gallons divided by 365 days/year divided by about 6,300 = 496 gallon/capita/day. The 496 gallons/capita/day plus 250 gallons/capita/day = 746 gallons/capita/day, or about 1,715,427,000 gallons/year. This calculates to about a 128% increase over the city's 2004 pumping figures.

I am in agreement with the WPTF committee's process and discussions concerning their intent to determine a baseline for water use, but I am concerned with the current draft proposal. Please consider the following in your discussions with the WPTF committee:

1. Should the proposed 6 inches per acre be applied to areas in the corporate limit such as certified irrigated acres (not connected to the municipal system) and/or dryland, pasture ground etc.? The current proposed language indicates that it does. This should not be acceptable until "if" and "when" the city grows into these areas.
2. The provision in the draft proposal that states, "*plus all areas of the municipal water supply system outside of the limits;*" should be thoroughly defined; otherwise, left to interpretation could create problems and possible litigation as we try to develop our integrated management plan. How will this provision be interpreted? What does this provision mean? Does the 6 inches per acre include; for example, the 700 acres of an airport that a municipal water system reaches outside

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their corporate boundaries? In this example, the airport ground, so to speak, is mostly dryland farming and pasture. In another example, can the 6 inches per acre proposal be applied to city owned water well fields located outside the corporate limit that amount to several hundreds of acres? In this example, other than the water wells and other associated structures, the area is still mostly dryland farming (city owned land leased to local producers). These are a few examples of why this provision should be clearly defined; otherwise, we will have problems.

3. Regarding the component in the draft proposal, **Parts 1 and 2**, referring to, "...shall not be less than the greater of either [the 250 per capita per day and 6 inches per acre rule] or the total water withdrawn and transferred under all permits," should also be closely evaluated. It should not be considered in the proposed draft unless other conditions are placed on the transfer amount. Usually, communities place a very high-end figure in their transfer permit application(s) for their 20 or 50-year planning outlook. Again, is this an exorbitant amount? They would not be using that amount of water immediately. Is it fair to the other water users? In other words, is it fair to have this amount of water for growth set aside at someone else's expense? The City of Sidney is seeking a transfer permit from NDNR. The amended amount that they have applied for is about 1.3 million gallons per year, or 565 gallons per capita per day. I hope this component of the draft proposal is not overlooked!

4. Are there other options. For example: Has the WPTF committee evaluated other figures other than the 250 gallon per capita per day, and 6 inches per area rule? Should other figures be considered? Should the 6 inches per acre even be considered in the rule and have the 250 gallons per capita per day stand on its own? I hope this would be discussed at the WPTF committee meetings.

5. Finally, and again, I hope that any proposal(s), if any, maintain permissive language, so NRDs and the NDNR have the flexibility to determine what is best for their District to develop appropriate, fair and reasonable rules and regulations to manage the ground water resource. This is by no mean to undercut the significance of the cities and towns. The Ground Water Management and Protection Act already authorize the NRDs and NDNR to develop the proposals being discussed by the WPTF Municipality Committee. For example, the WPTF Committee has evaluated UBBNRD's water allocation concept (the current draft proposal is a modification of their allocation rules). Would it be possible to use the main discussion points/principles and concepts that come from the WPTF Municipal Committee, and subsequently enable each of the NRDs, NDNR and work groups to discuss and apply the concepts to their plan(s) without additional legislation? If there is a perceived need that something has to be in the statutes, would it be possible to consider the WPTF committee's proposal(s) as another tool in the tool box, so not to hamstring local entities, working together (?), from trying to responsibly manage the water resources.

Another example, many of the communities along the I-80 corridor in our District benefit to some degree from the travelers that stop in their communities off I-80. The City of Sidney for example, recognizes that on average about 7,000 to 9,000 people pull off I-80 to shop, to see the sites, to stay overnight and/or eat in Sidney. The current draft proposal would not consider the water used by these travelers to be determined in the baseline for Sidney, or for any community for that matter. This is an example of why it is not a good idea to have a one standard, one size fit all mind set. In developing our plan, we would not be able to negotiate the transient population into the baseline determination process. The NRD board could consider a variance that would offset these uses. However, would this be an appropriate action on the part of the District?

I hope these comments and questions are helpful as you discuss and consider the alternative solutions on the WPTF Municipality Committee. I would be happy to clarify something, provide maps and other information if needed.

Rod L. Horn, General Manger
South Platte NRD

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

9/8/2005

DNR 014596

From: Gary Person
To: Rod Horn
Sent: Friday, September 02, 2005 4:35 PM
Subject: Re: IMP Subcommittee Meeting

There are 4,344 acres in the incorporated city limit boundaries of the City of Sidney. This does NOT include other city owned properties; and airport, residential, commercial and industrial areas outside the boundaries that impact the city's municipal water system.

When state legislation dictates what applies to surface acreage in compiling the formula, then we will provide you additional details with exact figures. The figure (7,000 plus acres) I quoted at the last subcommittee meeting was a conservative approximate amount of those acreages described in my preceding paragraph, so you could use it for planning purposes.

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

From: Rod Horn
To: Gary Person
Sent: Thursday, September 01, 2005 3:09 PM
Subject: IMP Subcommittee Meeting

Gary,

Last week, during our IMP Subcommittee meeting, during the discussion concerning the WPTF Municipal Committee baseline determination, you mentioned that there were about 7,000 acres included in the corporate limits and areas outside of those limits. Would you please provide me with a map outlining those areas you were incorporating in the 7,000 acres.

Thanks in advance.

Rod

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