

Task Force Municipal Subcommittee/League of Municipalities Solution Options

Part 1: Acreage Allocations § 46-740. Add new subsection (3). (a) If allocation is adopted for use of ground water for municipal purposes within a management area, the permissible withdrawal of ground water by municipal water suppliers shall be the greater of either: (1) The total volume of water that may be withdrawn and transferred under all permits issued pursuant to § 46-638 et seq. including permits granted but not yet fully exercised; or (2) the volume of water that would be allocated within the area of the municipal jurisdictional borders of each municipal entity receiving such water, plus all areas of the municipal water supply system outside of those borders as if such area was wholly irrigated. Any water needed to operate municipal power generation facilities shall also be added to the allocation. Under no circumstances shall the allocations for municipal uses be less than 13 inches of water per acre of land within the jurisdictional borders, plus all service and system areas, of the municipal user.

(b) Allocation for municipal purposes shall not be permitted unless allocation under subsection (1) of 46-740 have also been adopted for the entire management area.

Part 2: Turnbull Allocations § 46-740. Add new subsection (4). (a) If allocation is adopted for use of ground water for municipal purposes within a management area, the permissible withdrawal of ground water for municipal uses shall not be less than the greater of either: (1) an annual amount not be less than 250 gallons per person served per day; plus 6 inches per acre of the total acreage within the municipal jurisdictional limits, plus all areas of the municipal water supply system outside of those limits; plus the same inches per acre as provided for under 46-740(1) for all irrigated lands served by the municipal water supplier; plus any volume of water needed to operate power generation facilities; plus all existing or pending industrial uses. Ground water used for fire protection, water and sewage system maintenance, construction and repairs shall not be subject to annual allocations. Ground water pumped from dewatering wells shall also not be subject to annual allocations; or (2) The total volume of water that may be withdrawn and transferred under all permits issued pursuant to § 46-638 et seq., including permits granted but not yet fully exercised.

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(b) Allocation for municipal purposes shall not be permitted unless allocations under subsection (1) of 46-740 have also been adopted for the entire management area.

Part 3: Add new subsection (5). (a) If an integrated management plan adopted pursuant to §§ 46-715 to 46-718 does not include allocations for irrigation or municipal use, the permissible withdrawal of ground water for municipal uses shall not be less than the greater of either: (1) an annual amount not be less than 250 gallons per person served per day; plus 6 inches per acre of the total acreage within the municipal jurisdictional limits, plus all areas of the municipal water supply system outside of those limits; plus the inches per acre necessary to meet the crop irrigation requirements for all irrigated lands served by the municipal water supplier; plus any volume of water needed to operate power generation facilities; plus all existing or pending industrial uses. Ground water used for fire protection, water and sewage system maintenance, construction and repairs shall not be subject to annual allocations. Ground water pumped from dewatering wells shall also not be subject to annual allocations; or (2) The total volume of water

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that may be withdrawn and transferred under all permits issued pursuant to § 46-638 et seq. including permits granted but not yet fully exercised.

For Those Areas Not Yet Designated As Fully Appropriated:

- § 46-713(1)(a) is amended as follows: By January 1 of each year beginning in 2006 and except as otherwise provided in this section and section 46-720, the Department of Natural Resources shall complete an evaluation of the expected long-term availability of hydrologically connected water supplies for both existing and new surface water uses and existing and new ground water uses, in each of the state's river basins . . .

- § 46-714(3) is amended as follows: (p) new water wells necessary to meet existing municipal uses as defined in § 46-706.

- § 46-706: Existing uses by municipal systems means those water uses for which a municipal water supplier presently provides water and uses projected for 20 years of future growth as estimated using growth rates of the preceding 10 year period or a projected growth rate of 5% or the total volume of water that may be withdrawn and transferred under all permits issued pursuant to § 46-638 et seq., including permits granted but not yet fully exercised, whichever is greater.

NOTE: To protect those areas that may be effected by designations occurring on January 1, 2006, the DNR would adopt a rule that defines "existing uses" to include existing municipal uses" as we have proposed above.