

REPORT OF SUBCOMMITTEE ON ALMOST/FULLY AND OVER APPROPRIATED

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CHARGE: To develop proposals that will clarify and develop standards for determining when a stream is over appropriated, fully appropriated, and close to fully appropriated; and to define area of investigation.

RECOMMENDATIONS:

The Department of Natural Resources (DNR) shall on an annual basis, evaluate the following factors to determine the availability of the water supply for new surface water uses and for new hydrologically connected ground water uses. If DNR, after consultation with the appropriate NRDs, determines that there is an inadequate water supply for new uses, the basin(s) shall be considered fully appropriated. DNR shall immediately establish a temporary moratorium on new surface water uses, and the appropriate NRDs shall immediately establish a temporary moratorium on new ground water uses. The area for the ground water moratorium shall extend at least to the line where 28 percent of the water consumed in 40 years shows up as a depletion to the stream.

FACTORS TO CONSIDER

Availability of Water Supply
Precipitation Trends
Ground Water Levels and Trends
Geology
Stream Flow Trends
Surface Water and Ground Water Storage
Recharge
Subirrigation
Potential impact of conservation activities on supply
Lag effect of existing wells
Existing Uses
Number of Wells and Type of Wells
Number of Surface Water Permits, Quantity of use, Type of Use
Fish & Wildlife Uses
Endangered Species Act
Compacts and Decrees
Changing Uses

QUESTIONS

1. Is the area described large enough?
2. Should we state that wells located outside the boundary, but within the NRDs, may be treated differently under an integrated management plan?
3. Should surface water users be consulted when making the determination of over appropriated basin(s)?
4. Should exceptions to moratorium be written in law?
5. Should the NRDs or DNR pay the administrative fees if there is an objection?
6. What if any appeal process should be written in the law?