

Ann Diers

From: Ann Bleed [ableed@dnr.state.ne.us]
Sent: Sunday, August 07, 2005 7:32 AM
To: Ann Diers; Brian Barels; Dave Sands; Don Kraus; Frank Albrecht; James Nelson; Larry Hutchinson; Roger Patterson; Steve Gaul; Susan France; Tom Schwarz; Steven Huggenberger; Peter and Ann Bleed
Cc: Jonathan Bartsch; Andrea Kessler
Subject: Re: WPTF Water Rights Subcommittee Notes

Thanks to the generosity of the Central Platte NRD, the water rights subcommittee of the WPTF will meet at the Central Platte NRD large meeting room at 9:30 - no later than 2:00 August 17.

A draft agenda is enclosed. Unfortunately, we did not have time to discuss these items as the last Executive meeting. I would suggest we try to resolve some of the issues we were struggling with amongst ourselves before the next Executive meeting.

See you the 17th.

P.S. Andrea - please fax a copy of this e-mail and the agenda to Al Schmidt. Thanks

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

From: Peter and Ann Bleed
To: Steven Huggenberger ; Tom Schwarz ; Susan France ; Steve Gaul ; Roger Patterson ; Larry Hutchinson ; James Nelson ; Frank Albrecht ; Don Kraus ; Dave Sands ; Brian Barels ; Ann Diers
Cc: Andrea Kessler ; Ann Bleed DNR
Sent: Sunday, July 31, 2005 11:53 AM
Subject: WPTF Water Rights Subcommittee Notes

Here are the notes I took at the Water Rights Subcommittee meeting.

Also the following suggestion for a wording fix from Don Kraus.

Surface Water Transfer Committee

Surface Water Amendment

Section 46-715 (3) (c)

(c) protect the groundwater usersfrom streamflow depletions caused by surface water uses and groundwater uses (including increased groundwater uses after a surface water right is transferred during a conversion to a groundwater only source of supply) begun after the date the river basin,

See you all Tuesday. Ann

p.s. Andrea - would you please print the e-mail and attachment out and fax it to Al Schmidt. Thanks.

8/8/2005

DNR 014897

AGENDA

Water Rights Subcommittee

August 17, 2005

9:30 CPNRD Meeting Room

1. Is the proposed wording of 46-294(1)(c), stating that transfers for surface water must be within the same basin as defined for transbasin diversions acceptable?

(Note: The subcommittee wanted to think about this restriction a bit more. As you think, remember that the interbasin transfer as outlined in 46-288 and 46-289 was originally meant to pertain only to new water rights. If we wanted to apply the same restrictions of 46-289 to transfers, I think we could add wording to 46-288 (4) such as after the word water "or a transfer of an existing water right" so that the statutes would allow a transbasin transfer of existing water rights as long as they not only met the criteria of any transfer as outlined in 46-294, but also met the requirements of an interbasin transfer as outlined in 46-289. In the alternative, if we wanted to allow a simpler transbasin transfer process, we could simply rely on the no injury test and not worry about applying the criteria in 46-289.

2. Review proposed language in statute 46-294 (1)(g) – the Schmidt amendment.
3. Should a transfer of a surface water right to an area that had not previously been irrigated be allowed if a ground water well would still be allowed to pump on the land from which the surface water is transferred?
4. Review language submitted by Ann Diers and Susan France to the suggested requirements for changing points of diversion.
5. Review "Nits" that DNR staff was checking for adequacy.
6. Final acceptance of the working document to provide to the Executive Committee.