

Ann Diers

From: Susan France [sfrance@dnr.state.ne.us]
Sent: Friday, July 29, 2005 9:25 AM
To: Ann Diers; Ann Bleed
Subject: Proactive Requirement



Doc1.doc (22 KB)

This is a straw dog for your review based on the conversation we had yesterday in the surface water transfer meeting.

PROPOSED CHANGES TO LEGISLATION BASED UPON THE SURFACE WATER SUBCOMMITTEE MEETING HELD JULY 28, 2005

As an addition to §46-714(3) (To be added on to the end of that subsection.)

A further exception to the stays imposed pursuant to subsection (1), (2), (9) or (10) of this section shall exist for expansion of acres if such expansion is a result of a transfer of a surface water irrigation right off of lands that will continue to be irrigated from a ground water well to lands that have not historically been irrigated. In any instance where such transfer occurs, the natural resources district shall be responsible for requiring offsets of the ground water well owner, or of providing offsets through the integrated management plan.

no

provided, unless and a g.w. well owner is imp with a transfer of a transfer or. affirms...

pursuant to 46-715(3)(c)

for such

As an addition to 46-294 (I would add a period after "section 46-291" and proceed with:

subject to (c)(d).

In areas where there is an integrated management plan, such plan shall include the requirement that when a surface water irrigation right is transferred from lands that will continue to be irrigated with ground water to lands that have not historically been irrigated, the ground water well owner shall be responsible for requiring offsets, or the integrated management plan shall be capable of providing such offsets, in amounts sufficient to not diminish the supply of water available for or otherwise adversely affect any other water appropriator or significantly adversely affect any riparian water user who files an objection in writing pursuant to section 46-291. In areas that have been determined to be fully or over appropriated, and no integrated management plan is in place, the natural resources district shall provide rules for requiring offsets of the ground water well owner, or the district providing offsets for instances where surface water irrigation rights are transferred off of lands that will continue to be served with ground water to lands that have not historically been irrigated.

providing

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in which

by

The requirements stated in this section shall be satisfied. draft

applying to transfer surface water irrigation right from lands that will continue to be served with ground water wells

As an addition to 46-2290.04(5) (Could be added at end, or after "The department shall be notified...")

subject to

Use same as above

In areas where there is an integrated management plan, such plan shall include the requirement that when a surface water irrigation right is reassigned from lands that will continue to be irrigated with ground water to lands that have not historically been irrigated, the ground water well owner shall be responsible for requiring offsets, or the integrated management plan shall be capable of providing such offsets. In areas that have been determined to be fully or over appropriated, and no integrated management plan is in place, the natural resources district shall provide rules for requiring offsets of the ground water well owner, or of the district providing offsets in instances where surface water irrigation rights are reassigned from lands that will continue to be served with ground water to lands that have not historically been irrigated.

may provide

in which

As above provided,

Same as above