

Ann Diers

From: Jim Cook [jcook@dnr.state.ne.us]
Sent: Thursday, April 28, 2005 1:09 PM
To: dvogler@dnr.state.ne.us; 'ann bleed'; 'Ann Diers'; 'susan france'; 'roger patterson'
Subject: RE: Possoble Muni transfer change

Dave, attached are some suggested changes; the intent is to leave out wells that are located inside the city (other pws) limits on the theory that use of water from those wells does not constitute a transfer off the overlying land. It might even be preferable to spell that out and give the pws statutory protection from injunction for all such wells.
Jim

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

From: DVogler [mailto:dvogler@dnr.state.ne.us]
Sent: Thursday, April 28, 2005 10:11 AM
To: ann bleed; jim cook; Ann Diers; susan france; roger patterson
Subject: Possoble Muni transfer change

Attached is a possible to change to the Municipal Transfer Act 46-639 if we want to make it a requirement in the future. I tried to word it so established wells/well fields could apply for the protection provided by the Act and those that are prospective wells/well fields would be required to apply for the protection.

I still believe that my previous caveats concerning this change apply. Those being:

It increases the work load of the Water Division

It contravenes (at least as to future development) the original intent to allow the water suppliers to choose which risk they want to take, i.e. injunction v. damages.

It places an unfunded mandate (at least as to future development) on the public water suppliers.

With those concerns in mind, it could be floated before the appropriate WPTF subcommittee.

4/28/2005

DNR 015294

46-639. **Application for permit; contents; fee.** Any public water supplier, whose wells or well fields were in existence prior to [the effective date of this Act], which desires to avail itself of the Municipal and Rural Domestic Ground Water Transfers Permit Act, may make application in writing to the Director of Natural Resources for a permit. All public water suppliers, whose wells or well fields are to be located outside the corporate limits of that public water supplier and are to be ~~were~~ drilled or developed on or after [the effective date of this Act] shall make application in writing to the Director of Natural Resources for a permit. The application shall include (1) a statement of the amount of water for which a permit is desired together with an exhibit of maps showing the location of all water wells and (2) such other information as the director deems necessary or desirable. The application shall be accompanied by a fee in the amount of fifty dollars for the first five million gallons per day and an additional twenty dollars for each additional increment of five million gallons per day requested. The fee shall be based on the amounts of water requested on a daily average basis.