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1) 46-294.01 < Surveyors >

2) NRDS was to Gov stat of 46-714(3) -
over 40 NR. 46-706

2 [3) 2-3240 < to refer to Ch 46 - art 7 as
well as 2+6). >

46-294 - delineation = new approp.

vs.

carry over from old transfer law (reg'd see
river basin - didn't say what it means).
River basin not defined in old law.

Natural relationships type thing.

Doing it - not in the reg's but surveyor act.

NWS relev. part of act -

not constitute land surveying.

State's art 6 - Ch 2

Ann Diers

From: Jim Cook [jcook@dnr.state.ne.us]
Sent: Monday, March 28, 2005 12:04 PM
To: 'Ann Diers'
Subject: RE: Legislative Fixes pertaining to eliminating reference to transfers to other basins

Ann,

I think I recall how we got there. We decided that the "no harm" provision would be sufficient to protect against any out of basin water right transfers. There arguably would still be a need for the interbasin transfer law (46-288 and 289) because that law applies to new applications for physical transfers of water under 46-233, not to transfers of already approved water rights.

Frankly, I still do not see a need for a fix relative to this section. If the "tributary" part is removed, it would not be possible to transfer from the Loup or Elkhorn basins to the Lower Platte. I understand why we may not want to allow transfers from the Platte to the Loup or Elkhorn, but do not know why the reverse should be absolutely prevented.

Jim

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

From: Ann Diers [mailto:adiers@dnr.state.ne.us]
Sent: Monday, March 28, 2005 9:57 AM
To: Jim Cook
Subject: FW: Legislative Fixes pertaining to eliminating reference to transfers to other basins
Importance: Low

Jim:
As I recall, the idea for this fix may have originally come from you. Can you weigh in on it? Ann

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

From: Ann Bleed [mailto:ableed@dnr.state.ne.us]
Sent: Friday, March 25, 2005 4:27 PM
To: Ann Diers
Subject: Legislative Fixes pertaining to eliminating reference to transfers to other basins
Importance: Low

Ann - I got to looking at this "fix" today and have some concerns about eliminating the entire reference. I do believe the no injury standards would prevent harm, but if it is completely eliminated, then there would never be a need to have an interbasin transfer section of the law. I think we should only eliminated the "tributary section and leave the basic part of the sentence referring to must be in the same basin as defined by Ann