

Surface Water Transfers
8-23-05

1. Left the language on p. 12 pertaining to transfers from tributaries of a basin to the mainstem as originally stated in the law. As an example this would allow a transfer from the Loup River to the Platte River, but there still must be a showing that the transfer will not diminish the supply of water available for any other appropriator - see 46-294 (1) (d).
2. Add to 46-2-112 the requirement to post the notice of impending review of an instream flow permit on the DNR's web site. p. 17.
3. Change the words "contiguous tract in 46-655.01(2). This will eliminate the need to have two different definitions of contiguous in the law. p. 23.

Items That Need More Discussion

1. Irrigation districts that serve land in different basins
2. Review changes that would allow a surface water right to be transferred to new lands even though a ground water well would be allowed to continue pumping on the original tract of land as long as any new consumptive use is offset when the integrated management plan is implemented. There was a concern that the offsets should be required before the IMP was completed as well.
3. Review proposed rules on changing points of diversion
4. Review proposed rules on non expedited transfers
5. Review applications for transfers.
4. Pertaining to transfers that use another entities canal to carry water (46-294 (1) (g) p. 12 .

Review
61-208.

Department of Natural Resources; powers; surveys.

The Department of Natural Resources may make surveys of streams showing the location of possible water power developments and irrigation projects; identify and map tracts of land to be served with water for irrigation or other beneficial purposes and points of diversion. Employees of the Department of Natural Resources shall not be required to be licensed as a Registered Land Surveyor under Sections 81-8,108 through 81-8,127 or comply with the provisions of such Sections in the performance of its duties.

Possibly add reporting requirements for surface water diverters