



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 295**

Hearing Date: January 31, 2007
Committee On: Natural Resources

Introducer(s): (Natural Resources Committee)
Title: Change provisions relating to irrigation and regulation of water and water wells

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- 8 Yes Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Louden, Wallman
 - 0 No
 - 0 Present, not voting
 - 0 Absent
-

Proponents:

Jody Gittins
Ron Theis
Ron Bishop

Representing:

Introducer
Department of Natural Resources
Central Platte Natural Resources District;
Nebraska Association of Resources Districts

Opponents:

None

Representing:

Neutral:

David Cookson

Representing:

Attorney General’s Office

Summary of purpose and/or changes:

LB 295 does the following:

This is the section by section of LB 295 Corrected. LB 295 when first printed (original green copy) was printed with errors caused by the new computer program, and so the Clerk’s office decided that it was appropriate to print a new green copy of the bill, which would then be entitled LB 295 Corrected.

Section 1 (5) Adds “the U.S. Bureau of Reclamation” to the list of certain

public entities holding surface water rights subject to adjudication for non-use which qualify for particular transfer rights, or assignment within five years after cancellation or voluntary relinquishment.

Adds “unconditional” to a relinquishment that the Department of Natural Resources must issue an order within 60 days.

- Section 2 (2) (a) corrects a typographical error;
(b) changes “abandoned” to “decommissioned” for consistency within the statutes;
(c) corrects a typographical error;
(8) Changes “abandonment” to “decommissioning”.
- Section 3 Strikes all of the original provisions of this section and inserts the following new language:
(1) (a) Prohibits a person from drilling an irrigation water well within 600 feet of another irrigation well entitled to spacing protection unless (i) both wells are owned by the same person, (ii) the person has received a special permit or (iii) the replacement well is drilled within 50 feet of the irrigation water well being replaced and the water well being replaced was drilled prior to September 20, 1957, and is less than 600 feet from the other owner’s registered irrigation water well.
(b) List of water wells entitled to spacing protection:
(i) Registered irrigation water wells unless the water well’s location is incorrect in the department’s water well registration data base and the well’s actual location cannot be determined through the use of reasonable diligence or the irrigation water well is used to irrigate two acres or less; and
(ii) Unregistered irrigation water wells that have been constructed within the last 60 days.
(2) No person shall irrigate with a water well registered for another purpose until the water well registration has been changed to irrigation, and then only if the water well is not within 600 feet of an existing registered irrigation water well or an irrigation water well that has been constructed within the last 60 days.
- Section 4 Corrects a statutory reference to the acceptable period of nonuse of a water permit to conform with other provisions on water permits as was required under LB 962.
- Section 5 Modifies the corollary wells spacing statute for adjacent municipal, industrial, or irrigation wells in order to conform to the provisions of Section 3 of the bill.

Section 6 Adjusts the restrictions on increased irrigation in areas declared fully appropriated to conform to language contained in LB 1226 of last year.

Section 7 Repealer.

Section 8 Repealer.

Explanation of amendments, if any:

The committee amendment strikes all of the original sections of the bill and becomes the bill.

Section 1 (1) Clarifying existing language.
(5) Adds “the U.S. Bureau of Reclamation” to the list of certain public entities holding surface water rights subject to adjudication for non-use which qualify for particular transfer rights, or assignment within five years after cancellation or voluntary relinquishment.

Allows the agency to issue its order of cancellation within 60 days of receiving notification that the condition contained in the relinquishment has occurred.

Section 2 (2) (a) corrects a typographical error;
(b) changes “abandoned” to “decommissioned” for consistency within the statutes; and strikes three years and inserts 180 days after the decommissioning of the original water well, which brings the statute into conformity with previous statutory changes; and corrects a typographical error;
(c) corrects a typographical error.
(8) Changes “abandonment” to “decommissioning”

Section 3 (1) Strikes “drilled” and inserts “constructed”, which more clearly describes all methods of construction of a water well.
(3) States that no person shall use a water well for purposes other than its registered purpose until the water well registration has been changed to the intended new use, filed with the Department of Natural Resources and is in compliance with the rules and regulations of the applicable natural resources district, except that a person may use a water well registered for purposes other than its intended purpose for a de minimis use for livestock, monitoring, observation, or any other nonconsumptive use approved by the applicable natural resources district.

Section 4 Corrects a reference to the acceptable period of nonuse of a water permit to conform to other provisions on water permits as required under LB 962. Strikes “three” and inserts “five” years as the length of time for the permit to be valid. This matches the language contained in the first sentence of this subsection.

Section 5 Repealer.

Senator LeRoy Louden, Chairperson