



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 975

Chairperson: LeRoy Louden
Committee: Natural Resources
Date of Hearing: February 7, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 701 established a new authority that allows NRDs in the Republican River basin to issue river flow enhancement bonds for specific purposes identified in the law. One of these purposes is the lease or purchase of surface water. After April 1, 2008, if a project is developed using the bond authority for the purchase of surface water, the district is to restrict the use of groundwater on those acres that have both groundwater and surface water supplies and certification.

A problem arises when a NRD leases water from an irrigation district that has multiple delivery canals and multiple storage reservoirs. If the NRD purchased water from one reservoir, this language implies that NRDs would have to restrict all supplemental groundwater wells in that entire irrigation district. If a purchase is made from an irrigation district from a storage reservoir and multiple irrigation districts withdraw from the same reservoir, the current law could be interpreted to require reductions to all lands served by that reservoir to be limited in pumping, regardless of whether water was purchased from them or not.

LB 975 clarifies that only supplemental wells directly impacted by a purchase are restricted.

Current law allows for the purchase or lease of groundwater. However, the existing language does not require a reduction in the use from that well. The change allows for the reduction of groundwater use if the groundwater is leased or purchased.

LB 975 adds new language in order that the use of the water is only for the purpose of the lease and not diverted for other reasons.

Multiple year leases or purchases may occur. This may also be a lease for a certain number of years out of a time span. For example, a lease could be developed that would only provide for the purchase in water-short years over a longer time span, thus allowing the water right holder to use the surface water in some of the years. The proposed change recognizes this option and would apply the restriction in the year the water was leased or purchased.

There could be leases by the state of Nebraska of surface water and/or groundwater for which current law would not require the reduction. There could be single-year or multiple-year leases. The proposed change reflects those possibilities and requires a reduction in use.

LB 975 proposes changes that address four situations and incorporates the changes needed to address the primary and secondary concerns of the existing language as follows:

- A) single-year NRD groundwater or surface water leases;**
- B) multi-year NRD groundwater or surface water leases;**
- C) single-year state of Nebraska groundwater or surface water leases, and;**
- D) multi-year state of Nebraska groundwater or surface water leases.**

Finally, a variance procedure is provided to allow for a landowner to rotate irrigated acres while maintaining the reduction in use.

Principal Introducer:

_____ **Senator John Wightman**