

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB1025**

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**Hearing Date:** Thursday February 18, 2010  
**Committee On:** Natural Resources  
**Introducer:** Avery  
**One Liner:** Change provisions relating to stays on new water appropriations

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

**Aye:** 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

Senator Bill Avery  
Duane Hovorka  
Melvin Thornton  
Jarel Vinduska  
Joe Herrod  
Paul Johnsgard  
Bruce Kennedy  
Tim Knott  
Ken Winston

**Representing:**

Introducer  
Nebraska Wildlife Federation  
Friends of the Niobrara  
Self  
Nebraska Council of Sportsmens Clubs  
Wachiska Audubon Society  
Wachiska Audubon Society  
Self  
Nebraska Sierra Club

**Opponents:**

Don Blankenau  
Jay Rempe

**Representing:**

Nebraska Association of Resources Districts  
Nebraska Farm Bureau

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 1025 would have allowed the Department of Natural Resources to consider instream flow water rights applications under certain circumstances.

Section 1 amends 46-714, which provides the procedures to be followed when the Department of Natural Resources declares a basin to be fully appropriated or overappropriated, by allowing the department to act on an instream flow water use application or other use not involving a consumptive use, as long as there is no harm to senior surface water appropriators or ground water users with wells depending on recharge which were in place before the date the basin was designated as overappropriated or preliminarily fully appropriated.

Section 2 repeals the original section.

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Chris Langemeier, Chairperson