

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 2, 2004

LB 962

appointed by the Governor. There were various interests represented on the task force, but I'd say overwhelmingly certainly a great number of those were irrigators. Municipalities were represented, environmental community, the ag organizations, the power industry was represented. There's some others I'm probably missing, it was that large. But it was a pretty well-rounded task force, 49 members who met 13 times, I believe. Senator Stuhr and I were on the task force and certainly there was the possibility that any member of the Legislature could serve on the task force. Because of the...we were in session last year, Senator Stuhr and I missed some key provisions of the task force meetings last spring, but I think we're pretty well up to speed on it. I will briefly try to tell you what LB 962 does. It is a long bill, about a hundred and fifty or sixty pages. The committee...the explanation of the bill is 28 pages long. LB 962, the key components are the changes in water rights. Currently, you can be cancelled after five consecutive years of nonuse instead of three. It allows the department to cancel either in whole or in part; the exception, if nonuse was caused by water unavailability, and that has happened out in Senator Baker's district. The water right may be cancelled for up to 30 years, and that could be extended if the management plan is likely...I'm sorry. The water right may not be cancelled for up to 30 years, and that could be extended if a management plan is likely to result in restoration of a usable water supply. The exception is, if a federal, state, or local laws temporarily prevent or restricted such use for a period of up to 15 consecutive years; the use was unnecessary because of climate conditions; the facilities essential to use the water were destroyed by a cause not within the control of the owner; legal proceedings prevented or restricted the use of water for a period of up to 15 years. That's ground water transfers. Surface water transfers: Allow the department to issue temporary and permanent permits that can either change the purpose for which water is used, or change from one type of permit to another for a minimum of 1 year to a maximum of 30 years. No permanent transfers are allowed if it involves a change to a difference preference category. Temporary transfers retain the same priority dates as the original permit, and revert to the original location and use at the end of the permit period. Only the historic consumptive use