



Ninety-Ninth Legislature - Second Session - 2006
Introducer's Statement of Intent
LB 933

Chairperson: Ed Schrock
Committee: Natural Resources
Date of Hearing: January 18, 2006

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

LB 933 was initially designed as “clean up” legislation by the Department of Natural Resources, to address issues that had developed following the passage of LB 962 in 2004. These technical changes cover a broad range, including but not limited to, the correction of inaccuracies, the clarification of provisions, the addition of a notice requirement and the addition of definitions. The proposed changes were developed by the department in cooperation with the surface water and ground water subcommittees of the Water Policy Task Force and were approved by the entire Task Force.

Examples of necessary changes are: reference to a non-existent cost index, omitted references to the Ground Water Management and Protection Act; clarification of irrigation district’s statutory rights in the area of cancellation of surface water rights for non-use, clarification of the department’s form requirements involving the reassignment or voluntary relinquishment, omitted references to sections regarding the use of permits and transfers, notice requirements, and other similar changes.

LB 933 also provides an exemption for municipalities and nonmunicipal commercial and industrial uses in fully appropriated or over appropriated areas from allocation restrictions imposed after November 1, 2005. This exemption would apply until January 1, 2026, at which point allocations could be based on the greater of the applicable permit amount, or the greatest amount annual use during the twenty year period (within certain limits for commercial and industrial uses). The exemption was developed by the municipal subcommittee of the Water Policy Task Force in cooperation with the League of Municipalities. The proposed legislation was approved by the Water Policy Task Force.

A municipality that does not have an allocation in place as of November 1, 2005, may have the greater of either the amount of ground water authorized pursuant to permit issued by the Department, or the governmental, commercial and industrial uses of the municipality plus a per capita allowance as its minimum annual allocation. The per capita allowance would be based on location and would range from not less than 200 gallons per person per day to not less than 250 gallons per person per day. Prior to January 1, 2026, any new or expanded commercial or industrial development served by a municipality in the fully appropriated or overappropriated area that results in the consumptive use of water in amount greater than 25 million gallons annually may be subject to controls. Prior to January 1, 2026, consumptive use of water by a

municipality that results in a decrease in streamflow would be required to be addressed by the integrated management plan pursuant to controls or incentive programs, and would not affect the municipal allocations. Permanent reductions in consumptive use of water associated with municipal growth between the effective date and January 1, 2026 will accrue to the benefit of the natural resources districts that the municipality is in. Following January 1, 2026, the allocation would not be less than the greatest annual use in the twenty year period. Nonmunicipal commercial and industrial users are provided a similar exception from allocations until January 1, 2026.

Principal Introducer:

**Ed Schrock, Chairperson
Committee on Natural Resources**