

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1056**

Introduced by Carlson, 38.

Read first time January 21, 2010

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Nebraska Ground Water Management and  
2 Protection Act; to amend section 46-701, Revised Statutes  
3 Supplement, 2009; to provide duties for the Department  
4 of Natural Resources relating to aquifer depletion; to  
5 provide for limitations on irrigation as prescribed; to  
6 harmonize provisions; and to repeal the original section.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 46-701, Revised Statutes Supplement,  
2 2009, is amended to read:

3           46-701 Sections 46-701 to 46-754 and sections 2 and 3 of  
4 this act shall be known and may be cited as the Nebraska Ground  
5 Water Management and Protection Act.

6           Sec. 2. (1) The Department of Natural Resources, working  
7 with the Conservation and Survey Division of the Institute of  
8 Agriculture and Natural Resources of the University of Nebraska,  
9 shall determine a method of measuring aquifer and ground water  
10 changes in each river basin. The department shall measure aquifer  
11 and ground water changes across each river basin each year and  
12 report such measurement to the Legislature on December 31, 2010,  
13 and on December 31 of each year thereafter. Change shall be  
14 determined based upon a comparison to saturation thickness of the  
15 aquifer in the base year of 1963. The department shall determine  
16 the percentage of change in the aquifer or ground water in relation  
17 to the base year and the area within each river basin in which such  
18 change has taken place.

19           (2) When the change in aquifer or ground water results  
20 in depletion to an area of the aquifer greater than ten percent  
21 but not greater than twenty percent of the base year saturation  
22 thickness, meters shall be placed on all irrigation wells in the  
23 depletion area of the river basin to measure water usage, and  
24 ground water allocations for irrigation purposes shall be imposed  
25 on all landowners in the depletion area.

1           (3) When the change in aquifer or ground water results  
2 in depletion to the aquifer greater than twenty percent but not  
3 greater than thirty percent of the base year saturation thickness,  
4 no landowner in the depletion area may use more than fifty percent  
5 of the annual allocation of ground water under subsection (2)  
6 of this section for irrigation purposes. All or any portion of  
7 the unused allocation may be transferred outside the ground water  
8 depletion area.

9           (4) When the change in aquifer or ground water results in  
10 depletion to the aquifer greater than thirty percent of the base  
11 year saturation thickness, no landowner in the depletion area may  
12 use any portion of the annual allocation of ground water under  
13 subsection (2) of this section for irrigation purposes. All or any  
14 portion of the unused allocation may be transferred outside the  
15 aquifer or ground water depletion area.

16           Sec. 3. If the measurements pursuant to subsection (1)  
17 of section 2 of this act demonstrate that recharge has occurred  
18 since the previous annual measurement in a depletion area such that  
19 aquifer depletion is no longer greater than thirty percent of the  
20 base year saturation thickness, use of ground water allocations for  
21 irrigation purposes in such area may resume as provided in section  
22 2 of this act.

23           Sec. 4. Original section 46-701, Revised Statutes  
24 Supplement, 2009, is repealed.