

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 184

Introduced by Louden, 49; Fischer, 43; Schilz, 47.

Read first time January 12, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to water; to amend section 46-226, Reissue
2 Revised Statutes of Nebraska; to authorize the Department
3 of Natural Resources to administer riparian water rights;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-226, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 46-226 (1) The department shall make proper arrangements
4 for the determination of priorities of right to use the public
5 waters of the state and determine the same. The method of
6 determining the priority and amount of appropriation shall be
7 fixed by the department.

8 (2)(a) The department is authorized to consider and
9 administer any riparian water right that has been validated and
10 recognized in a court order from a court of lawful jurisdiction in
11 the state. The court must find that the tract of land in question
12 borders a natural stream, came into private ownership prior to
13 April 4, 1895, and was not separated from the land contiguous to
14 the stream at any time.

15 (b) The department may close surface water appropriations
16 for a riparian right only when the riparian right is used for
17 watering livestock in the streambed. Surface water appropriations
18 for livestock watering shall not be closed.

19 (c) The only surface water appropriations that may be
20 closed for a riparian water right are appropriations held by
21 persons who were parties to the lawsuit validating the riparian
22 water right or appropriations with a priority date subsequent to
23 the date of the court order.

24 Sec. 2. Original section 46-226, Reissue Revised Statutes
25 of Nebraska, is repealed.