

One Hundred Fifth Legislature - Second Session - 2018

Introducer's Statement of Intent

LB1123

Chairperson: Senator Dan Hughes

Committee: Natural Resources

Date of Hearing: February 07, 2018

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

To add clarification to Nebraska common law by providing a narrow statutory exemption for Natural Resources Districts (NRD) to retain ground water rights specifically for augmentation purposes while selling the surface acres. LB 1123's language continues to strictly tie the water rights to the land through a deed reservation. It is important to note, the principle behind LB1123 does not set a new principle in law as such type exceptions are set in 46-691 when dealing with water transfer for agriculture, Environmental Protection Act ground water remediation plans, domestic or environmental and recreational purposes as long as those transfers adhere to local NRD's rules and regulations.

LB 1123 amends Chapter 2, article 32 and adds a new section. That section provides the following three specific things:

- (1) Reaffirms that each natural resource district has the power and authority to develop augmentation projects as described in subdivision (3) (E) of section 46-715 and to acquire real property for such augmentation projects.
- (2) Once a project has been developed, LB 1123 establishes authority for project holders that they may sell the overlying surface interest and retain and reserve the right to the ground water located beneath such surface land.
- (3) The project holder shall be entitled to the reasonable and beneficial use of groundwater underlying any real property when such rights to groundwater are retained and reserved to operate an augmentation project. The quantity of groundwater available to the project holder will be the same as if they held the surface interests and limited to augmentation purposes.

Principal Introducer: _____

Senator Mike Groene