

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 241

Introduced by Briese, 41.

Read first time January 10, 2023

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the regulation of water; to amend section
- 2 46-613.01, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to transfers of water to another state; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-613.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 46-613.01 The Legislature recognizes and declares that the
4 maintenance of an adequate source of ground water within this state is
5 essential to the social stability of the state and the health, safety,
6 and welfare of its citizens and that reasonable restrictions on the
7 transportation of ground water from this state are a proper exercise of
8 the police powers of the state. The need for such restrictions, which
9 protect the health, safety, and general welfare of the citizens of this
10 state, is hereby declared a matter of legislative determination.

11 Any person, firm, city, village, municipal corporation, or other
12 entity intending to withdraw ground water from any water well located in
13 the State of Nebraska and transport it for use in another state shall
14 apply to the Department of Natural Resources for a permit to do so. In
15 determining whether to grant or deny such permit, the Director of Natural
16 Resources shall consider:

17 (1) The nature of the proposed use and whether it is a beneficial
18 use of ground water;

19 (2) The availability to the applicant of alternative sources of
20 surface or ground water;

21 (3) Any negative effect of the proposed withdrawal on ground water
22 supplies needed to meet present or reasonable future demands for water in
23 the area of the proposed withdrawal, to comply with any interstate
24 compact or decree, or to fulfill the provisions of any other formal state
25 contract or agreement;

26 (4) Any negative effect of the proposed withdrawal on surface water
27 supplies needed to meet present or reasonable future demands within the
28 state, to comply with any interstate compact or decree, or to fulfill the
29 provisions of any other formal state contract or agreement;

30 (5) Any adverse environmental effect of the proposed withdrawal or
31 transportation of ground water;

1 (6) The cumulative effect of the proposed withdrawal and transfer
2 relative to the matters listed in subdivisions (3) through (6) of this
3 section when considered in conjunction with all other transfers subject
4 to this section; and

5 (7) Any other factors consistent with the purposes of this section
6 that the director deems relevant to protect the health, safety, and
7 welfare of the state and its citizens.

8 The director shall not grant any permit under this section that
9 would allow ground water to be transported more than ten miles outside of
10 this state, unless such transportation of ground water is necessary to
11 comply with an interstate compact or decree.

12 Issuance of a permit shall be conditioned on the applicant's
13 compliance with the rules and regulations of the natural resources
14 district from which the water is to be withdrawn. The applicant shall be
15 required to provide access to his or her property at reasonable times for
16 purposes of inspection by officials of the district or the department.

17 The director may include such reasonable conditions on the proposed
18 use as he or she deems necessary to carry out the purposes of this
19 section.

20 Sec. 2. Original section 46-613.01, Reissue Revised Statutes of
21 Nebraska, is repealed.