

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION  
2008**

**COMMITTEE STATEMENT**

**LB798**

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**Hearing Date:** February 06, 2008

**Committee On:** Natural Resources

**Introducer(s):** (Louden)

**Title:** Change provisions relating to irrigation water reuse pits

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**Roll Call Vote - Final Committee Action:**

Placed on General File with Amendments

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**Vote Results:**

8 Yes                      Senators Carlson, Christensen, Dubas, Fischer,  
Hudkins, Kopplin, Louden, Wallman

0 No

0 Absent

0 Present, not voting

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**Proponents:**

Jody Gittins

Ann Bleed

John Turnbull

Ron Bishop

**Representing:**

Introducer

Department of Natural Resources

Upper Big Blue Natural Resources District

Nebraska Water Resources Association

Nebraska State Irrigation Association

Central Platte Natural Resources District

**Opponents:**  
None

**Representing:**

**Neutral:**  
None

**Representing:**

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**Summary of purpose and/or change:**

LB 798 does the following:

Section 1 Inserts the word “ephemeral” before the phrase “natural stream” for clarification.

Section 2 Deletes “headwater segment” and inserts language that is current when describing hydrologic conditions and impacts. A portion of a natural stream in which water flows only after a precipitation event or when augmented by surface water runoff caused by the pumping of ground water is identified as an ephemeral natural stream.  
Allows the Department of Natural Resources to investigate an ephemeral natural stream identified as such on the most recent United States Geological Survey topographic quadrangle map to determine whether such stream is perennial or intermittent subject to permit requirements.

Section 3 Substitutes the word “ephemeral” for “headwater segment” to conform to other statutes.

Section 4 Repealer.

**Explanation of amendments, if any:**

The committee amendment becomes the bill. It incorporates all of LB 798, LB 799 and LB 800.

Sections 1 , 2 and 3 contain the provisions of LB 798 which clarifies an existing exemption from surface water and groundwater laws for the use of irrigation reuse pits on the headwaters of natural streams. It strikes “headwater segment” and in its place uses ephemeral natural stream. An ephemeral natural stream is that portion of a stream in which water flows only after a precipitation event or when augmented by surface water runoff caused by the pumping of groundwater.

Section 4 contains the provisions of LB 799 which facilitates expedited transfers of surface water rights where the point of diversion is changed so long as the new point of diversion is on the same named stream, the same tributary, or the same river or creek as the approved point of diversion; the proposed point of diversion will not move above or below an existing diversion point owned by another appropriator; and the proposed point of diversion is not above or below a tributary stream or a constructed river return or a constructed drain.

Section 5 contains the provisions of LB 800 which removes a limitation on existing projects to enhance intentional groundwater recharge capabilities and allows more flexibility in order to convert existing direct irrigation projects into intentional recharge projects.

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Senator LeRoy Loudon, Chairperson