

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 594**

Introduced by Kopplin, 3

Read first time January 17, 2007

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to water wells; to state findings; to limit the
- 2 granting of water well permits as prescribed.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Legislature finds that, due to the  
2 prolonged drought conditions plaguing the entire State of Nebraska  
3 and the region, depleted and insufficient water flow in the state's  
4 rivers and streams, steadily declining ground water levels, and  
5 the necessity to preserve and maintain health, safety, natural  
6 resources, and economic vitality for present and future generations  
7 of Nebraskans, there is a need to pause, to allow time for  
8 further assessment and possible mitigation before irreparable and  
9 irrevocable harm is done to the state's water resources. Therefor,  
10 the Legislature finds that it is in the best interest of the  
11 State of Nebraska to temporarily restrict the issuance of new  
12 surface water appropriations and water well permits for irrigation  
13 purposes.

14           Sec. 2. Applications for water well permits and surface  
15 water appropriations made on or after January 1, 2007, shall not be  
16 granted prior to January 1, 2009, except applications made for the  
17 following purposes:

18           (1) Domestic purposes as defined in subdivision (1) of  
19 section 46-613;

20           (2) Public water suppliers as defined in subdivision  
21 (2)(a) of section 46-638;

22           (3) Test holes;

23           (4) Dewatering wells with an intended use of one year or  
24 less;

25           (5) Wells constructed pursuant to a ground water

1 remediation plan under the Environmental Protection Act;

2 (6) Water wells designed and constructed to pump fifty  
3 gallons per minute or less, except two or more water wells that  
4 each pump fifty gallons per minute or less connected or otherwise  
5 combined to serve a single project such that the collective pumping  
6 exceeds fifty gallons;

7 (7) Water wells for range livestock;

8 (8) New surface water uses or water wells that are  
9 necessary to alleviate an emergency situation involving the  
10 provision of water for human consumption or public health and  
11 safety;

12 (9) New surface water uses and water wells to which a  
13 right or permit is transferred in accordance with state law, but  
14 the consumptive use of any such new use can be no greater than the  
15 historic consumptive use of the surface water use or water well  
16 from which the right or permit is being transferred;

17 (10) Water wells for which permits have been approved by  
18 the Department of Natural Resources pursuant to the Municipal and  
19 Rural Domestic Ground Water Transfers Permit Act prior to January  
20 1, 2007;

21 (11) Increases in ground water irrigated acres as  
22 described in subdivision (3)(k) of section 46-714; and

23 (12) Surface water uses for which temporary permits are  
24 issued pursuant to subsection (8) of section 46-233.