

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 798

Introduced by Louden, 49.

Read first time January 10, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to relating to water; to amend sections 46-283
2 and 46-287, Reissue Revised Statutes of Nebraska, and
3 section 46-286, Revised Statutes Cumulative Supplement,
4 2006; to change provisions relating to irrigation water
5 reuse pits; to harmonize provisions; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-283, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 46-283 The Legislature hereby finds and declares that the
4 practice of reusing ground water from irrigation water reuse pits
5 on irrigated land contributes to the efficient use and conservation
6 of the state's water resources and that such reuse may be more
7 feasible when done from irrigation water reuse pits located within
8 ephemeral natural streams.

9 Sec. 2. Section 46-286, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 46-286 ~~Headwater segment of a~~ An ephemeral natural stream
12 shall mean that portion of a natural stream in which water
13 flows only after a precipitation event or when augmented by
14 surface water runoff caused by the pumping of ground water for
15 irrigation. The ~~that~~ portion of a natural stream that is shown as
16 an intermittent stream on the most recently published recent United
17 States Geological Survey topographic quadrangle map published prior
18 to the effective date of this act shall be considered an ephemeral
19 natural stream unless the Department of Natural Resources has
20 investigated the stream and determined that the stream or a reach
21 of the stream is perennial or intermittent and subject to Chapter
22 46, article 2. The department's determination for the purposes
23 of this section shall be adopted and promulgated in rule or
24 regulation.

25 Sec. 3. Section 46-287, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 46-287 Notwithstanding any other provision of law, any
3 person intending to or in the process of reusing ground water from
4 an irrigation water reuse pit located within a ~~headwater segment of~~
5 a an ephemeral natural stream shall be exempt from the provisions
6 of Chapter 46, article 2, which would otherwise apply to such pits,
7 and from the provisions of section 46-637.

8 Sec. 4. Original sections 46-283 and 46-287, Reissue
9 Revised Statutes of Nebraska, and section 46-286, Revised Statutes
10 Cumulative Supplement, 2006, are repealed.