

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 975

Introduced by Wightman, 36.

Read first time January 15, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to natural resources districts; to amend
2 section 2-3226.01, Revised Statutes Supplement, 2007;
3 to change provisions relating to river-flow enhancement
4 bonds; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3226.01, Revised Statutes
2 Supplement, 2007, is amended to read:

3 2-3226.01 (1) In order to implement its duties and
4 obligations under the Nebraska Ground Water Management and
5 Protection Act and in addition to other powers authorized by law,
6 the board of a district with jurisdiction that includes a river
7 subject to an interstate compact among three or more states and
8 that also includes one or more irrigation districts within the
9 compact river basin may issue negotiable bonds and refunding bonds
10 of the district and entitled river-flow enhancement bonds, with
11 terms determined appropriate by the board, payable by (a) funds
12 granted to such district by the state or federal government for
13 one or more qualified projects, (b) the occupation tax authorized
14 by section 2-3226.05, or (c) the levy authorized by section 2-3225.
15 The district may issue the bonds or refunding bonds directly,
16 or such bonds may be issued by any joint entity as defined
17 in section 13-803 whose member public agencies consist only of
18 qualified natural resources districts or by any joint public
19 agency as defined in section 13-2503 whose participating public
20 agencies consist only of qualified natural resources districts, in
21 connection with any joint project which is to be owned, operated,
22 or financed by the joint entity or joint public agency for the
23 benefit of its member natural resources districts. For the payment
24 of such bonds or refunding bonds, the district may pledge one or
25 more permitted payment sources.

1 (2) Within forty-five days after receipt of a written
2 request by the Natural Resources Committee of the Legislature, the
3 qualified natural resources districts shall submit a written report
4 to the committee containing an explanation of existing or planned
5 activities for river-flow enhancement, the revenue source for
6 implementing such activities, and a description of the estimated
7 benefit or benefits to the district or districts.

8 (3) Beginning on April 1, 2008, if a district uses the
9 proceeds of a bond issued pursuant to this section for the purposes
10 described in subdivision (1) of section 2-3226.04 or the state uses
11 funds for those same purposes, ~~such district shall restrict the use~~
12 ~~of ground water from water wells used on acres certified for both~~
13 ~~ground water use and surface water use to no greater than the total~~
14 ~~ground water allocation previously permitted by district rule or~~
15 ~~regulation less any surface water purchased, leased, or otherwise~~
16 ~~acquired for implementation of the project entered into by the~~
17 ~~district. the following conditions shall apply:~~

18 (a) For a single-year lease or purchase by a natural
19 resources district, such district shall restrict the use of ground
20 water from water wells used on acres served from the purchased
21 or leased water in the year prior to the lease or purchase to no
22 greater than the total ground water allocation previously permitted
23 by district rule or regulation less any surface water and ground
24 water purchased, leased, or otherwise acquired for implementation
25 of the project entered into by the district. The purchased or

1 leased water shall only be used for the intended purpose as defined
2 in section 2-3226.04 and as further defined by the parties in the
3 agreement or contract for the purchase or lease;

4 (b) For a multiyear lease or purchase by a natural
5 resources district, and in the year or years the water is leased
6 or purchased by the district, such district shall restrict the
7 use of ground water from water wells used on acres served from
8 the purchased or leased water in the year prior to the lease
9 or purchase to no greater than the total ground water allocation
10 previously permitted by district rule or regulation less any
11 surface water and ground water purchased, leased, or otherwise
12 acquired for implementation of the project entered into by the
13 district. The purchased or leased water shall only be used for the
14 intended purpose as defined in section 2-3226.04 and as further
15 defined by the parties in the agreement or contract for the
16 purchase or lease;

17 (c) For a single-year lease or purchase by the state,
18 such district shall restrict the use of ground water from water
19 wells used on the acres served from the purchased or leased water
20 in the year prior to the lease or purchase to no greater than the
21 total ground water allocation previously permitted by district rule
22 or regulation less any surface water and ground water purchased,
23 leased, or otherwise acquired for implementation of the project
24 entered into by the district. The state shall not allow other
25 surface water sources to be used on the acres served from the

1 purchased or leased water in the year of the lease or purchase.
2 The purchased or leased water shall only be used for the intended
3 purpose as defined in section 2-3226.04 and as further defined by
4 the parties in the agreement or contract for the purchase or lease;
5 and

6 (d) For a multiyear lease or purchase by the state, and
7 in the year or years the water is leased or purchased by the state,
8 such district shall restrict the use of ground water from water
9 wells used on acres served from the purchased or leased water in
10 the year prior to the lease or purchase to no greater than the
11 total ground water allocation previously permitted by district rule
12 or regulation less any surface water and ground water purchased,
13 leased, or otherwise acquired for implementation of the project
14 entered into by the district. The state shall not allow other
15 surface water sources to be used on the acres served from the
16 purchased or leased water in the year of the lease or purchase.
17 The purchased or leased water shall only be used for the intended
18 purposes as defined in section 2-3226.04 and as further defined by
19 the parties in the agreement or contract for the purchase or lease.

20 A variance to the restrictions on ground water use under
21 this subsection may be granted by the natural resources district
22 during the term of the lease if consumptive use is reduced on
23 an equal amount of acres (1) in the area subject to the lease
24 or purchase and (2) under the administrative control of a person
25 subject to the lease or purchase.

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1 Sec. 2. Original section 2-3226.01, Revised Statutes
2 Supplement, 2007, is repealed.