

AMENDMENTS TO LB 653

Introduced by Natural Resources

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 46-288, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 46-288 For purposes of this section and section 46-289
6 and section 2 of this act, unless the context otherwise requires:

7 (1) Basin of origin shall mean the river basin in which
8 the point or proposed point of diversion of water is located;

9 (2) Beneficial use shall include, but not be limited
10 to, reasonable and efficient use of water for domestic,
11 municipal, agricultural, industrial, commercial, power production,
12 subirrigation, fish and wildlife, ground water recharge, interstate
13 compact, water quality maintenance, or recreational purposes.
14 Nothing in this subdivision shall be construed to affect the
15 preferences for use of surface water as provided in section 46-204;

16 (3) Interbasin transfer shall mean the diversion of water
17 in one river basin and the transportation of such water to another
18 river basin for storage or utilization for a beneficial use or as
19 described in section 2 of this act; and

20 (4) River basin shall mean any of the following natural
21 hydrologic basins of the state as shown on maps located in the
22 Department of Natural Resources: (a) The White River and Hat Creek
23 basin; (b) the Niobrara River basin; (c) the Platte River basin,

1 including the North Platte and South Platte River basins, except
2 that for purposes of transfer between the North and South Platte
3 River basins each shall be considered a separate river basin;
4 (d) the Loup River basin; (e) the Elkhorn River basin; (f) the
5 Republican River basin; (g) the Little Blue River basin; (h) the
6 Big Blue River basin; (i) the Nemaha River basin; and (j) the
7 Missouri tributaries basin.

8 Sec. 2. (1) The Legislature finds that, for the best
9 management of Nebraska's water resources and for the protection of
10 public and private property, interbasin transfers of unappropriated
11 surface water from one river basin to another river basin should be
12 allowed without a permit issued by the department but only pursuant
13 to an agreement among the applicable districts and the department.

14 (2) The board of directors of a natural resources
15 district or an irrigation district in any river basin may
16 establish a written agreement with the department and the board
17 of directors of the natural resources district or an irrigation
18 district in an adjacent river basin to allow interbasin transfers
19 of unappropriated surface water without a permit pursuant to
20 section 46-233 in order to mitigate public and private property
21 damage when necessary. Such agreement shall (a) be established in
22 writing prior to the occurrence of such transfer, (b) specify that
23 the river basin of destination shall be inferior in right to all
24 current and future surface water appropriations and internal water
25 resources projects within the basin of origin, and (c) include,
26 but need not be limited to, (i) any prearranged purchase price of
27 water, (ii) the location where such interbasin transfers can take

1 place, (iii) the conditions under which such interbasin transfers
2 can take place, and (iv) a requirement to notify the department
3 and any affected rural water districts, public power and irrigation
4 districts, or other special purpose districts in the basin of
5 origin and the river basin of destination.

6 Sec. 3. Original section 46-288, Reissue Revised Statutes
7 of Nebraska, is repealed.