

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 596**

Introduced by Carlson, 38.

Read first time January 19, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Nebraska Ground Water Management and  
2 Protection Act; to amend section 46-717, Reissue Revised  
3 Statutes of Nebraska; to provide for standing for certain  
4 parties with respect to proceedings affecting integrated  
5 management plans as prescribed; and to repeal the  
6 original section.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 46-717, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           46-717 (1) In developing an integrated management plan,  
4 the Department of Natural Resources and the affected natural  
5 resources districts shall utilize the best scientific data and other  
6 information available and shall review and consider any rules and  
7 regulations in effect in any existing ground water management area  
8 that encompasses all or part of the geographic area to be encompassed  
9 by the plan. Consideration shall be given to the applicable  
10 scientific data and other information relied upon by the department  
11 in preparing the annual report required by section 46-713 and to  
12 other types of data and information that may be deemed appropriate by  
13 the department. The department, after seeking input from the affected  
14 natural resources districts, shall specify by rule and regulation the  
15 types of scientific data and other information that will be  
16 considered in developing an integrated management plan. The natural  
17 resources districts shall adopt similar rules and regulations  
18 specifying the types of scientific data and other information  
19 necessary for purposes of this section. Existing research, data,  
20 studies, or any other relevant information which has been compiled by  
21 or is in possession of other state or federal agencies, other natural  
22 resources districts, and other political subdivisions within the  
23 State of Nebraska shall be utilized. State agencies and political  
24 subdivisions shall furnish information or data upon request of the  
25 department or any affected natural resources district. Neither the

1 department nor the natural resources districts shall be required to  
2 conduct new research or to develop new computer models to prepare an  
3 integrated management plan, but such new research may be conducted or  
4 new computer models developed within the limits of available funding  
5 if the additional information is desired by the department or the  
6 affected natural resources districts.

7 (2) During preparation of an integrated management plan  
8 for a fully appropriated river basin, subbasin, or reach or of an  
9 integrated management plan under subdivision (1)(b) of section  
10 46-715, the department and the affected natural resources districts  
11 shall consult with any irrigation district, reclamation district,  
12 public power and irrigation district, mutual irrigation company,  
13 canal company, or municipality that relies on water from the affected  
14 river basin, subbasin, or reach and with other water users and  
15 stakeholders as deemed appropriate by the department or by the  
16 affected natural resources districts. They shall also actively  
17 solicit public comments and opinions through public meetings and  
18 other means.

19 (3) If any irrigation district, reclamation district,  
20 public power and irrigation district, mutual irrigation company,  
21 canal company, or municipality is the owner of an appropriation that  
22 relies on water from an affected river basin, subbasin, or reach that  
23 is included in an integrated management plan, such irrigation  
24 district, reclamation district, public power and irrigation district,  
25 mutual irrigation company, canal company, or municipality shall have

1 standing to participate in any legal or administrative proceedings  
2 affecting such integrated management plan.

3                   Sec. 2. Original section 46-717, Reissue Revised Statutes  
4 of Nebraska, is repealed.