

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 653

Introduced by Christensen, 44.

Read first time January 19, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to water resources; to amend section 46-288,
2 Reissue Revised Statutes of Nebraska; to provide for
3 interbasin water transfers without a permit as
4 prescribed; to harmonize provisions; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

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

3 46-288 For purposes of this section and section 46-289
4 and section 2 of this act, unless the context otherwise requires:

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

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

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

18 (4) River basin shall mean any of the following natural
19 hydrologic basins of the state as shown on maps located in the
20 Department of Natural Resources: (a) The White River and Hat Creek
21 basin; (b) the Niobrara River basin; (c) the Platte River basin,
22 including the North Platte and South Platte River basins, except that
23 for purposes of transfer between the North and South Platte River
24 basins each shall be considered a separate river basin; (d) the Loup
25 River basin; (e) the Elkhorn River basin; (f) the Republican River

1 basin; (g) the Little Blue River basin; (h) the Big Blue River basin;
2 (i) the Nemaha River basin; and (j) the Missouri tributaries basin.

3 Sec. 2. The Legislature finds that, for the best
4 management of Nebraska's water resources and for the protection of
5 public and private property, interbasin transfers from one river
6 basin to another river basin during times of flood should be allowed
7 without a permit issued by the department but only pursuant to an
8 agreement between the applicable districts.

9 The board of directors of a natural resources district or
10 an irrigation district in any river basin may establish a written
11 agreement with the board of directors of the natural resources
12 district or an irrigation district in an adjacent river basin to
13 allow interbasin transfers of surface water without a permit pursuant
14 to section 46-233 in order to mitigate public and private property
15 damage when the river draining such river basin is at or above flood
16 stage. Such agreement shall be established in writing prior to the
17 occurrence of such transfer, shall specify that the river basin of
18 destination shall be second in time and second in right to all
19 internal water resources projects within the basin of origin, and
20 shall include, but need not be limited to, any prearranged purchase
21 price of water, where such interbasin transfers can take place, under
22 what conditions such interbasin transfers can take place, and
23 requirements to notify the department and any affected rural water
24 districts, public power and irrigation districts or other special
25 purpose districts in the basin of origin and the river basin of

1 destination.

2 Sec. 3. Original section 46-288, Reissue Revised Statutes

3 of Nebraska, is repealed.