

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 304

Introduced by Christensen, 44; Carlson, 38.

PURPOSE: The purpose of this interim study is to examine section 46-703, specifically subdivision (4), regarding the intent of the Legislature when stating "The Legislature intends and expects that each natural resources district within which water use is causing external impacts will accept responsibility for ground water management in accordance with the Nebraska Ground Water Management and Protection Act in the same manner and to the same extent as if the impacts were contained within that district." Currently, some irrigated acres in certain natural resources districts are "commingled acres," or those that have access to ground water and surface water for the same acres. Some of the surface water supplied to these commingled acres comes from neighboring natural resources districts. According to the intent of the Legislature in section 46-703, which natural resources district should be charged with the consumptive use for consumptive ground water pumping on commingled acres when the surface water supply is unavailable from a neighboring natural resources district? This study shall include, but not be limited to:

(1) A determination of the original intent of the Legislature when applying subdivision (4) of section 46-703;

(2) Whether this legislative intent is being practiced currently;

(3) A determination of how the legislative intent would apply in the situation described above regarding consumptive ground water use on

commingled acres with no supply of surface water from the neighboring district; and

(4) Whether the committee should look into legislation to clarify the intent for clear implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.