

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB483**

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**Hearing Date:** Thursday January 29, 2009  
**Committee On:** Natural Resources  
**Introducer:** Langemeier  
**One Liner:** Change provisions relating to water well permits

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**

Senator Chris Langemeier  
Tim Tighe  
Rod Zessin  
  
John Miyoshi  
  
Steve King

**Representing:**

Introducer  
Lower Elkhorn Natural Resources District  
Lower Elkhorn Natural Resources District, Nebraska Association of Resources Districts  
Lower Platte North Natural Resources District, Nebraska Association of Resources Districts  
Self

**Opponents:**

**Neutral:**

Jay Rempe

**Representing:**

**Representing:**

Nebraska Farm Bureau Federation

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**Summary of purpose and/or changes:**

LB 483 provides procedures for issuing water well permits in a river basin, subbasin, or reach that had been preliminarily determined as fully appropriated, but had a final determination as not being fully appropriated.

Once the director of the Department of Natural Resources has made a preliminary determination that a basin is fully appropriated, a stay on new water well permits is implemented. Before a final determination is made, the Department of Natural Resources is required to hold public hearings within 90 days after publication of notice. Within 30 days after any public hearings, the department is to issue its decision. If the final determination is that the basin is not fully appropriated, all stays imposed terminate and there is a risk that there will be a rush of new water well permits.

By limiting the number of irrigated acres that can result from new water well permits, the effect on the appropriation status of the affected basin can be minimized.

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**Explanation of amendments:**

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The Committee amendment replaces the bill and would do the following:

Definition: status change is when a preliminary or final determination that a river basin, subbasin, or reach is fully appropriated is reversed by the department and determined not to be fully appropriated.

Definition: hydrologically connected area is the geographic area determined by the department to include hydrologically connected surface water and ground water in the basin.

When there is a status change, the affected natural resources district is to adopt rules and regulations within 120 days for prioritization and granting of water well permits within the hydrologically connected area for next four years. This section does not override a district's authority to impose a moratorium 46-707 or 46-739.

When there is a status change, an immediate stay on new natural-flow, storage, or storage-use appropriations is in effect. The department is to provide prompt notice to the district and a stay will be in effect in the district until rules and regulations are adopted.

Rules and regulations shall:

Allow limited number of total irrigated acres annually;

Help maintain status of not fully appropriated;

Apply for at least four years;

Limit permits so total irrigated acres do not exceed number designated;

Be approved by the department if these conditions are met within 60 days of NRD approval.

If rules and regulations are not adopted or approved, then the district is to adopt rules and regulations to allow water well permits for no more than ,500 irrigated acres OR no more than 20% of historically irrigated acres within affected hydrologically connected area, whichever is less, applicable each calendar year for four years after date of determination.

After the four year period, a district may continue and enforce limitations.

The department shall not issue new surface water appropriations in the changed status area resulting in more than 400 irrigated acres per district, for each calendar year for four years after date of determination. Also, the department shall not issue a new surface water appropriation that will cause a basin to be fully appropriated.

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Chris Langemeier, Chairperson