

LEGISLATIVE BILL 184

Approved by the Governor April 8, 2009

Introduced by Louden, 49.

FOR AN ACT relating to water; to amend section 46-226, Reissue Revised Statutes of Nebraska; to authorize the Department of Natural Resources to administer riparian water rights; and to repeal the original section.

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

Section 1. Section 46-226, Reissue Revised Statutes of Nebraska, is amended to read:

46-226 (1) The department shall make proper arrangements for the determination of priorities of right to use the public waters of the state and determine the same. The method of determining the priority and amount of appropriation shall be fixed by the department.

(2) (a) The department is authorized to administer any riparian water right that has been validated and recognized in a court order from a court of lawful jurisdiction in the state.

(b) The only surface water appropriations that may be closed for a riparian water right are appropriations held by persons who were parties to the lawsuit validating the riparian water right or appropriations with a priority date subsequent to the date of the court order.

Sec. 2. Original section 46-226, Reissue Revised Statutes of Nebraska, is repealed.