

LEGISLATIVE BILL 1000

Approved by the Governor March 15, 1984

Introduced by Wagner, 41

AN ACT relating to water rights; to amend section 46-229.02, Revised Statutes Supplement, 1983; to change provisions relating to notice of forfeiture and annulment; and to repeal the original section.

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

Section 1. That section 46-229.02, Revised Statutes Supplement, 1983, be amended to read as follows:

46-229.02. If it shall appear that any water appropriation has not been used for some beneficial or useful purpose, or having been so used at one time has ceased to be used for such purpose for more than three consecutive years, the department shall appoint a place and time of hearing, and shall serve notice upon the owners of such water appropriation or such ditch, canal, or other diverting works to show cause by such time and at such place why the water appropriation owned by such person should not be declared forfeited and annulled because such water appropriation had not been used for more than three consecutive years prior to receiving such notice, and shall also serve such notice upon the landowners under such water appropriation, ditch, or canal. The notice shall contain a copy of section 46-229.04 and a department telephone number which any person may call for information regarding sufficient cause for nonuse.

A water appropriation may be canceled by the department without complying with sections 46-229.01 to 46-229.04 if the owner of such appropriation fails to comply with any of the conditions of approval in the permit.

Sec. 2. That original section 46-229.02, Revised Statutes Supplement, 1983, is repealed.