

LEGISLATIVE BILL 378

Approved by the Governor March 30, 1983

Introduced by Public Works Committee, Schmit, 23,
Chairperson; DeCamp, 40; Lamb, 43;
Clark, 47; Hoagland, 6; Wesely, 26

AN ACT to amend sections 46-656, 46-657, and 46-673.01, Revised Statutes Supplement, 1982, relating to ground water; to change intent; to define a term; to change provisions relating to a ground water management plan; and to repeal the original sections.

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

Section 1. That section 46-656, Revised Statutes Supplement, 1982, be amended to read as follows:

46-656. The Legislature finds that ground water is one of the most valuable natural resources in the state and that an adequate supply of ground water is essential to the general welfare of the citizens of this state and to the present and future development of agriculture in the state. The Legislature recognizes its duty to define broad policy goals concerning the utilization and management of ground water and to ensure local implementation of those goals. Every landowner shall be entitled to a reasonable and beneficial use of the ground water underlying his or her land, subject to the provisions of Chapter 46, article 6, and the correlative rights of other landowners when the ground water supply is insufficient for all users. The Legislature determines that the goal shall be to extend ground water reservoir life to the greatest extent practicable, consistent with beneficial use of the ground water and best management practices.

The Legislature further recognizes and declares that the management, protection, and conservation of ground water and the beneficial use thereof are essential to the economic prosperity and future well-being of the state, and that the public interest demands procedures for the implementation of management practices to conserve and protect ground water supplies and to prevent the pollution or inefficient or improper use thereof. The Legislature recognizes the need to provide for orderly management systems in areas where management of ground water is necessary to achieve locally determined ground water reservoir life goals and where available data, evidence, or other information indicates that present or potential ground water conditions, including subirrigation conditions, require the designation of areas with special

regulation of development and use.

Nothing in this act relating to the pollution of ground water is intended to limit the powers of the Department of Environmental Control provided in Chapter 81, article 15.

Sec. 2. That section 46-657, Revised Statutes Supplement, 1982, be amended to read as follows:

46-657. As used in this act and in sections 46-601 to 46-613.01, 46-636 to 46-655, and 46-602.01, unless the context otherwise requires:

(1) Person shall mean a natural person, partnership, association, corporation, municipality, irrigation district, or any agency or political subdivision of the state;

(2) Ground water shall mean that water which occurs or moves, seeps, filters, or percolates through ground under the surface of the land;

(3) Well shall mean any artificial opening or excavation in the ground through which ground water flows under natural pressure or is artificially withdrawn. A series of wells developed and pumped as a single unit shall be considered as one well. For purposes of the Nebraska Ground Water Management and Protection Act, well shall not mean any artificial opening or excavation in which a pump of less than one hundred gallons per minute capacity is to be installed and which is to be used solely for supply of ground water for domestic purposes;

(4) Construction of a well shall mean boring, drilling, jetting, digging, or excavation, and installing casing, pumps, and other devices for withdrawing or facilitating the withdrawal of ground water;

(5) Pollution of ground water shall mean degradation of the quality of ground water sufficient to make such ground water unsuitable for present or reasonably foreseeable beneficial uses;

(6) District shall mean a natural resources district operating pursuant to Chapter 2, article 32;

(7) Director shall mean the Director of Water Resources;

(8) Illegal well shall mean (a) any well operated or constructed without, or in violation of, a permit required by the provisions of this act, (b) any well not properly registered in accordance with sections 46-602 to 46-605, or (c) any well not in compliance with any other applicable laws of the State of Nebraska or with rules and regulations adopted pursuant to this act;

(9) Control area shall mean any area so designated by the director following a public hearing initiated and conducted pursuant to section 46-658;

(10) To commence construction of a well shall mean the beginning of the boring, drilling, jetting, digging, or excavation of the actual well from which ground water is to be withdrawn;

(11) Well driller shall mean any person who constructs, reconstructs, alters, or repairs a well. The term shall not include a person who performs labor or services for a well driller at his or her direction and under his or her supervision;

(12) Management area shall mean any area so designated by a district pursuant to sections 46-673.01 to 46-673.06;

(13) Ground water reservoir life goal shall mean the finite or infinite period of time which a district establishes as its goal for maintenance of the supply of water in a ground water reservoir at the time a ground water management plan is adopted;

(14) Board shall mean the board of directors of a district;

(15) Irrigated acre shall mean any acre that is certified as such pursuant to rules and regulations of the district and that is actually capable of being supplied water through irrigation works, mechanisms, or facilities existing at the time of the allocation;

(16) Acre-inch shall mean the amount of water necessary to cover an acre of land one inch deep;

(17) Subirrigation or subirrigated land shall mean the natural occurrence of a ground water table within the root zone of agricultural vegetation, not exceeding ten feet below the surface of the ground; and

~~(17)~~ (18) This act shall mean and include sections 46-656 to 46-673, 46-673.01 to 46-673.13, and 46-674.

Sec. 3. That section 46-673.01, Revised Statutes Supplement, 1982, be amended to read as follows:

46-673.01. In order to initiate designation of a management area within its jurisdictional limits, a district shall prepare a ground water management plan based upon the best available information and submit such plan to the director for review and approval. The plan shall include, but not be limited to, the identification to the extent possible of:

(1) Proposed geographic and stratigraphic boundaries of the management area;

(2) Ground water supplies within the area including transmissivity, saturated thickness maps, and other ground water reservoir information, if available;

(3) Local recharge characteristics and rates from any sources, if available;

(4) Average annual precipitation and the variations within the area;

(5) Crop water needs within the area;

(6) Current ground water data collection programs;

(7) Past, present, and potential ground water use within the area;

(8) Ground water quality concerns within the

area;

(9) Proposed water conservation and supply augmentation programs for the area;

(10) The availability of supplemental water supplies, including the opportunity for ground water recharge;

(11) The opportunity to integrate and coordinate the use of water from different sources of supply;

(12) Ground water management objectives, including a proposed ground water reservoir life goal for the area; and

(13) The controls enumerated in sections 46-673.08 to 46-673.12 proposed to achieve the ground water reservoir life goal, and the impact of such controls on the goal;

(14) Existing subirrigation uses within the area; and

(15) The relative economic value of different uses of ground water proposed or existing within the area.

Sec. 4. That original sections 46-656, 46-657, and 46-673.01, Revised Statutes Supplement, 1982, are repealed.