

LEGISLATIVE BILL 132

Approved by the Governor May 22, 1989

Introduced by Wehrbein, 2

AN ACT relating to the Department of Water Resources; to amend sections 33-105 and 46-212.02, Reissue Revised Statutes of Nebraska, 1943; to provide a fee for certain services; to provide for the use and distribution of fees; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 33-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-105. There shall be paid to the Department of Water Resources in advance for the services of the Director of Water Resources by the party demanding or necessitating the service the following fees:

(1) For filing, recording, and examining each application for a storage reservoir, for the first five thousand acre-feet or fraction thereof, twenty-five dollars, and for each additional five thousand acre-feet or fraction thereof, ten dollars;

(2) For filing, recording, and examining each application for, or application for modification of permits to include, intentional or incidental underground water storage and recovery, five hundred dollars;

(3) For filing, recording, and examining each application for water for irrigation from a natural stream, for the first one thousand acres proposed for irrigation or fraction thereof, two hundred dollars, and for each additional one thousand acres or fraction thereof, one hundred dollars;

(4) For filing, recording, and examining each application for water for irrigation from a storage reservoir, for the first one thousand acres proposed for irrigation or fraction thereof, fifty dollars, and for each additional one thousand acres or fraction thereof, twenty-five dollars;

(5) For filing, recording, and examining each application for water for power purposes, for each theoretical fifty horsepower or fraction thereof, five dollars;

(6) For filing, recording, and examining each application for withdrawal of ground water for industrial purposes, for the first four thousand acre-feet or fraction thereof, one thousand five hundred dollars, and for each additional one thousand acre-feet or fraction thereof, seven hundred fifty dollars;

(7) For filing an application to amend a permit for withdrawal of ground water for industrial purposes, five hundred dollars;

(8) For filing, recording, and examining each application for approval of authority to levy fees for withdrawing water stored incidentally underground, five hundred dollars;

(9) For filing any petition, affidavit, other paper, or application for which no fee has been fixed, ten dollars;

(10) For recording any deed or document pertaining to land covered in whole or in part by a water appropriation or any instrument other than an application, ten dollars;

(11) For blueprint copy of any map or drawing, ~~or for other copy of drawings or photostatic copy of any record, or for computer printouts or copies of data provided by other methods,~~ a reasonable sum to be fixed by the department in an amount estimated to cover the actual cost of preparing such a reproduction;

(12) For the examination of plans for any dam and reservoir or enlargement, one dollar for each foot in height of the dam and, at the department's discretion, expenses incurred while visiting and examining the site; and

(13) For certificate and seal, one dollar.

The Director of Water Resources shall keep a record of all money thus received. ~~At the end of each calendar month he or she and shall pay the same such money to the State Treasurer for the use of the General Fund, except that all fees collected pursuant to subdivision (11) of this section shall be credited to the Department of Water Resources Cash Fund, and take his or her receipt therefor and file the same with the records of his or her office.~~

Sec. 2. That section 46-212.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-212.02. There is hereby created the Department of Water Resources Cash Fund to be used to pay the expenses of the Department of Water Resources. All fees collected by the department pursuant to subdivision (11) of section 33-105 and section 46-212.01

shall be paid to the state treasury and credited to such fund. Any money in the Department of Water Resources Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to ~~72-1269~~ 72-1276.

Sec. 3. That original sections 33-105 and 46-212.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.