

# **One Hundred Fifth Legislature - First Session - 2017**

## **Introducer's Statement of Intent**

### **LB218**

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**Chairperson: Senator Dan Hughes**

**Committee: Natural Resources**

**Date of Hearing: February 15, 2017**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

In 1943, the States of Kansas, Colorado, and Nebraska entered into an interstate compact addressing allowable surface water usage in the Republican River basin as allocated between the three states. In 2005 and 2012 litigation ensued alleging overuse by Nebraska that had to be addressed. In order to augment the water supply, the interlocal entity N-CORPE was formed and in mid December 2012. N-CORPE purchased 19,514 acres in Lincoln County to create a Republican River Augmentations Project. That land is still owned by N-CORPE, requiring management, infrastructure and maintenance and keeps the land off the tax rolls.

LB 218 establishes procedures for acquiring or using land to pump ground water for the purposes of augmenting water supplies to comply with an interstate compact.

Those procedures include (1) publication for three weeks in newspapers of general circulation in the affected area, announcing a public hearing and invite public testimony regarding any planned pumping, and (2) adopt a resolution with the need, the governmental use and the expected amount and duration of the pumping.

After the public hearing the entity created by the interlocal agreement may, (1) purchase the land directly impacted by such pumping for fair market value, (2) install the necessary water wells and pumps according to current statute, (3) and upon commencement of such pumping have a public hearing every five years with prescribed notice and hear testimony to review the resolution.

This review will include (1) the entities compliance, (2) the continued need, (3) any effect of pumping on interests located within five miles of the land used for pumping, (4) the effect of pumping on surface water rights, (5) the effect of pumping on ground water resources and increases and decreases in the water table in the area effected, (6) the sustainability of ground water pumping, (7) the expected continued amount and duration of ground water pumping.

Within 60 days after the review and hearing, the interlocal entity will adopt a resolution about continued need, the governmental use, and expected amount and duration.

After adopting the original resolution, the interlocal entity shall sell the land purchased by the entity to bona fide purchasers for fair market value without water rights. It shall retain the irrigation water rights and easements as necessary to service, maintain or replace the water wells installed. The purchasers may install domestic or livestock water well. The governmental entity shall apply the proceeds from the sales to (1) any indebtedness incurred as a result of the purchase, (2) to address any indebtedness incurred for the purchase and installation of the water wells, (3) the remaining to the subdivisions setting up the interlocal agreement.

The interlocal entity may not transfer the irrigation water rights or sell the water wells except as provided in the bill.

If the interlocal entity terminates the need for pumping the ground water in the resolution, the rights to use ground water for irrigation shall revert to the owner of the land where the water wells were installed. When those rights to use ground water reverts to owner of the land where the water wells were installed the interlocal entity may sell the water pumps and appurtenances for fair market value. The owner of the land has the right of first refusal in purchasing the water pumps and appurtenances.

The bill also provides that the Department of Natural resources may adopt and promulgate rules and regulations to carry out this section.

**Principal Introducer:** \_\_\_\_\_

Senator Mike Groene