

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB48

Hearing Date: Wednesday February 13, 2019
Committee On: Natural Resources
Introducer: Stinner
One Liner: Change provisions relating to sufficient cause for nonuse of a water appropriation

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	7	Senators Albrecht, Geist, Gragert, Halloran, Hughes, Moser, Quick
Nay:		
Absent:	1	Senator Bostelman
Present Not Voting:		

Oral Testimony:

Proponents:

Senator John Stinner
Dennis Strauch

Jeff Fassett
Timothy McCoy

Representing:

Introducer
Pathfinder Irrigation, and North Platte Irrigation
Association
Nebraska Department of Natural Resources
Nebraska Game and Parks Commission

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 48 permits an appropriation of water to be protected from revocation by the Department of Natural Resources based on a finding of nonuse for five consecutive years if the land for which the appropriation was permitted is enrolled in a qualifying conservation program which prohibits the landowner from irrigating the land. Enrollment in such a program would be named a sufficient cause for nonuse, protected for up to 30 years.

Section 1 amends 46-229.04, which provides procedures for adjudication of water rights, by adding that a sufficient cause for nonuse of a water appropriation exists for up to 30 years if the land subject to the appropriation is under an acreage reserve program or production quota or is participating in any federal, state, or natural resources district program. Also adds that a sufficient cause for nonuse includes land that is no longer under such a program and there have not been more than five consecutive years of nonuse since the land was under a program.

Section 2 repeals the original section.
