

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1113**

Introduced by Christensen, 44.

Read first time January 22, 2014

Committee:

A BILL

- 1 FOR AN ACT relating to irrigation; to provide powers and duties for
- 2 districts, companies, and property owners relating to
- 3 surface water appropriations; and to declare an
- 4 emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) Any irrigation district, reclamation  
2 district, public power and irrigation district, or mutual irrigation  
3 company or canal company shall allocate, in any irrigation year, the  
4 volume of water to the owner of a water right based upon such owner's  
5 acreage of water right as a percentage of the total acreage of water  
6 right which is owned, controlled, and distributed to the total  
7 ownership of the allocated volume of water of such irrigation  
8 district, reclamation district, public power and irrigation district,  
9 or mutual irrigation company or canal company.

10           (2) The irrigation district, reclamation district, public  
11 power and irrigation district, or mutual irrigation company or canal  
12 company shall measure and control the volume of water delivered to  
13 each parcel of property to which a right to appropriate water  
14 attaches. Such delivery shall be to the boundary of such property.  
15 The irrigation district, reclamation district, public power and  
16 irrigation district, or mutual irrigation company or canal company  
17 shall only control the volume delivered to such delivery point. The  
18 irrigation district, reclamation district, public power and  
19 irrigation district, or mutual irrigation company or canal company is  
20 not authorized to control the total acreage upon which the owner of  
21 the water right chooses to distribute such volume of water.

22           (3) The irrigation district, reclamation district, public  
23 power and irrigation district, or mutual irrigation company or canal  
24 company shall insure that full and complete records are kept of the  
25 actual volume of water delivered to each parcel of property,

1 including, but not limited to, dates of delivery, changes to  
2 delivery, and proper measurement of the volume of water delivered and  
3 that all actions taken to verify that the measurement of volume of  
4 water taken are correct within normally accepted accuracy limits for  
5 the technology, techniques, and measurement devices being used.  
6 Actions taken to verify the accuracy of water volume measurement  
7 shall be performed periodically for every delivery point. When  
8 necessary, verifications shall occur whenever required to resolve  
9 questions about the volume of water actually delivered. The  
10 irrigation district, reclamation district, public power and  
11 irrigation district, or mutual irrigation company or canal company  
12 shall provide to the owner of a parcel of property to which a water  
13 right attaches, within ten calendar days after a request by the owner  
14 or within such other period as negotiated between the parties, all  
15 data maintained for a particular delivery point. If the owner of  
16 property to which a water right attaches deems the request urgent,  
17 the requested data shall be delivered within forty-eight hours after  
18 the request.

19           Sec. 2. (1) The owner of property to which a water right  
20 attaches is entitled to receive and use, in any irrigation year, the  
21 volume of water of such owner's acreage of water right as a  
22 percentage of the total acreage of water right which is owned,  
23 controlled, and distributed to the total ownership of the allocated  
24 volume of water of such irrigation district, reclamation district,  
25 public power and irrigation district, or mutual irrigation company or

1 canal company.

2 (2) The owner of property to which a water right attaches  
3 may distribute the delivered volume of water, as measured,  
4 controlled, and delivered by the irrigation district, reclamation  
5 district, public power and irrigation district, or mutual irrigation  
6 company or canal company to the applicable delivery point, to any  
7 portion or all acreage for which such owner holds an appropriation.  
8 The Department of Natural Resources may limit the amount of land upon  
9 which such water may be distributed by such owner.

10 (3) The owner of property to which a water right attaches  
11 may use no more than the allocated annual water volume. The  
12 irrigation district, reclamation district, public power and  
13 irrigation district, or mutual irrigation company or canal company  
14 shall enforce such limit.

15 Sec. 3. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.