

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 241**

Introduced by Briese, 41.

Read first time January 10, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the regulation of water; to amend section
- 2 46-613.01, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to transfers of water to another state; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-613.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 46-613.01 The Legislature recognizes and declares that the  
4 maintenance of an adequate source of ground water within this state is  
5 essential to the social stability of the state and the health, safety,  
6 and welfare of its citizens and that reasonable restrictions on the  
7 transportation of ground water from this state are a proper exercise of  
8 the police powers of the state. The need for such restrictions, which  
9 protect the health, safety, and general welfare of the citizens of this  
10 state, is hereby declared a matter of legislative determination.

11 Any person, firm, city, village, municipal corporation, or other  
12 entity intending to withdraw ground water from any water well located in  
13 the State of Nebraska and transport it for use in another state shall  
14 apply to the Department of Natural Resources for a permit to do so. In  
15 determining whether to grant or deny such permit, the Director of Natural  
16 Resources shall consider:

17 (1) The nature of the proposed use and whether it is a beneficial  
18 use of ground water;

19 (2) The availability to the applicant of alternative sources of  
20 surface or ground water;

21 (3) Any negative effect of the proposed withdrawal on ground water  
22 supplies needed to meet present or reasonable future demands for water in  
23 the area of the proposed withdrawal, to comply with any interstate  
24 compact or decree, or to fulfill the provisions of any other formal state  
25 contract or agreement;

26 (4) Any negative effect of the proposed withdrawal on surface water  
27 supplies needed to meet present or reasonable future demands within the  
28 state, to comply with any interstate compact or decree, or to fulfill the  
29 provisions of any other formal state contract or agreement;

30 (5) Any adverse environmental effect of the proposed withdrawal or  
31 transportation of ground water;

1           (6) The cumulative effect of the proposed withdrawal and transfer  
2 relative to the matters listed in subdivisions (3) through (6) of this  
3 section when considered in conjunction with all other transfers subject  
4 to this section; and

5           (7) Any other factors consistent with the purposes of this section  
6 that the director deems relevant to protect the health, safety, and  
7 welfare of the state and its citizens.

8           The director shall not grant any permit under this section that  
9 would allow ground water to be transported more than ten miles outside of  
10 this state, unless such transportation of ground water is necessary to  
11 comply with an interstate compact or decree.

12           Issuance of a permit shall be conditioned on the applicant's  
13 compliance with the rules and regulations of the natural resources  
14 district from which the water is to be withdrawn. The applicant shall be  
15 required to provide access to his or her property at reasonable times for  
16 purposes of inspection by officials of the district or the department.

17           The director may include such reasonable conditions on the proposed  
18 use as he or she deems necessary to carry out the purposes of this  
19 section.

20           Sec. 2. Original section 46-613.01, Reissue Revised Statutes of  
21 Nebraska, is repealed.