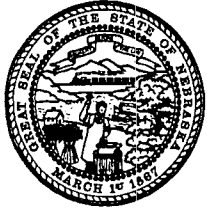


STATE OF NEBRASKA



Mike Johanns
Governor

DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

March 20, 2003

IN REPLY REFER TO:

TO: Members, Water Policy Task Force

FROM: Jim Cook *Jim Cook*

SUBJECT: Copies of Preceding Legislative Bills Relating to Water Right Transfers (LBs 1212 and 1213), Water Right Leases (LBs 671 and 672), and Water Banking (Version I of LB 338)

The copies enclosed were requested at the task force meeting on March 11.

Some historical background relating to the enclosures may be helpful. LBs 1212 and 1213 were introduced in the 1998 legislative session. They would allow perfected water rights to be sold, leased, or given to any person for any beneficial purpose. LB 1212 would do that through modifications to the existing intra-basin transfer law. LB 1213 would replace that existing law with entirely new legislation. The handwritten notations you see on LB 1213 were corrective amendments that I suggested on the bill when it was being considered. Neither bill made it out of committee in 1998.

The two "leasing" bills, LBs 671 and 672, were introduced in 1999. The primary difference between the two is that LB 671 would apply only to water rights held by irrigation districts whereas LB 672 would apply to water rights held by any person. They are otherwise very similar in their content. Those bills also never made it out of committee.

LB 338 was a water banking bill introduced in 1999 and carried over to the 2000 legislative session. However, it also did not make it out of committee. The enclosed version is the last version worked on by an ad hoc group of folks, some of whom are represented on the task force today. The ad hoc group was not able to reach consensus on that legislation. Version I was as far as we got, but there was still substantial disagreement on some of the aspects of that version. You will be able to tell from the different kinds of font in the draft that lots of different people were involved in trying to massage that legislation in late 1999.

If you have questions about any of these bills, please feel free to contact me.

lg
Enclosures

.clrshare/cook

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