

**11-08-03 Draft
Legislation to Allow
Transfers of Groundwater Off the Overlying Land
For
Environmental Purposes**

(1) Any person intending to withdraw ground water from any water well located in the State of Nebraska, transport that water off the overlying land, and use it to augment water supplies in any Nebraska wetland or natural stream for the purpose of benefiting fish or wildlife or producing other environmental benefits shall do so only after applying for and obtaining a permit from the natural resources district in which the well is or would be located. An application for any such permit shall be accompanied by a non-refundable fee of \$___ payable to that district. Such permit shall be in addition to any permit required pursuant to section 46-656.29.

(2) In determining whether to grant a permit under this section, the board of directors for the natural resources district shall consider:

(a) Whether the proposed environmental use is a beneficial use of ground water;

(b) The availability to the applicant of alternative sources of surface water or ground water for the intended use;

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

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

(e) Any adverse environmental effect of the proposed withdrawal, transport or use of the ground water;

(f) The cumulative effects of the proposed withdrawal, transport and use relative to the matters listed in subdivisions (c) through (e) of this section when considered in conjunction with all other withdrawals, transports and uses subject to this section;

(g) Whether the proposed withdrawal, transport and use is consistent with the district's ground water management plan and with any integrated management plan previously adopted or being considered for adoption in accordance with sections ___ to ___ of ___ (the proactive legislation)___; and

(h) Any other factors consistent with the purposes of this section and that the board of directors deems relevant to protect the interests of the state and its citizens.

(3) Issuance of a permit shall be conditioned on the applicant's compliance with the rules and regulations of the natural resources district from which the water is to be withdrawn and, if the location where the water is to be used to produce the intended benefits is in a different natural resources district, with the rules and regulations of that natural resources district. The board of directors may include such reasonable conditions on the proposed withdrawal, transport and use as it deems necessary to carry out the purposes of this section.

(4) The applicant shall be required to provide access to his or her property at reasonable times for purposes of inspection by officials of any district where the water is to be withdrawn or to be used.