





DEPARTMENT OF NATURAL RESOURCES

*Leave it out!*

CONCEPT PAPER FOR SURFACE WATER AND GROUND WATER SUBCOMMITTEE

SUBJECT: Natural Lakes

May 2007

Neb. Rev. Stat. §§ 46-801 to 46-806 describe the Department's authorities as it pertains to natural lakes. Attached to this document is a full copy of such statutes. Basically the laws set up a permit system with the Department if someone wants to drain, lower, divert or in any way reduce the waters or water supply of any natural or perennial lake. However, § 46-806 states that in the event that the ownership of all the land used for drainage construction and of all the land forming the shoreline and the bed of said lake is vested in the person performing the drainage or diversion, the provisions do not apply.

We recently had conversations with someone who wanted to irrigate out of his lake. He owned everything. Therefore, he does not need a permit from the Department, and he does not need a permit from an NRD.

In fully appropriated or over appropriated basins, this appears to be a source of water that is possibly hydrologically connected to the ground water that may be unregulated. This is somewhat like the recent pit legislation enacted as part of LB 701.

Possibility is to eliminate 46-806.

46-801 limits the Department's authority to lakes over twenty acres at low water state, or if the lake is of such depth and character as to have more economic importance for aquaculture, hunting, or other purpose than the bed of such lake would have for agricultural purposes. Need to discuss this exemption as well.