

LEGISLATIVE BILL 1306

Approved by the Governor March 21, 1972

Introduced by Ellen E. Craft, 45th District

AN ACT to amend section 46-236, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to increase a fee; to provide for renewals of leases for water power for an additional fifty years; to provide for appraisal of improvements upon expiration of lease renewals; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. That section 46-236, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-236. Within six months after the approval of an application for water power, as provided for in section 46-234 and before placing water to any beneficial use, the applicant shall enter into a contract with the State of Nebraska, through the Department of Water Resources, for leasing the use of all water so appropriated. Such lease shall be upon forms prepared by the department, and the time of such lease shall not run for a greater period than fifty years; and for the use of water for power purposes the applicant shall pay into the state treasury on or before January 1, each year ~~ten~~ fifteen dollars for each one hundred horsepower for all water so appropriated. Upon application of the lessee or its assigns, the Department of Water Resources shall renew the lease so as to continue it and the water appropriation in full force and effect for an additional period of fifty years. Upon the failure of the applicant to comply with any of the provisions of such lease and the failure to pay any of the fees herein specified, the department shall cancel such lease and appropriation. Upon the expiration of any lease under this section, or if the lease is renewed then upon the expiration of the renewal, the value of improvements made thereunder by any lessee shall be appraised by the department. From such appraisement the lessee shall have the right of appeal to the district court. The value of such improvements as finally determined shall be paid to the lessee owning them by any subsequent lessee.

Sec. 2. That original section 46-236, Reissue Revised Statutes of Nebraska, 1943, is repealed.