

LEGISLATIVE BILL 103

Approved by the Governor February 10, 1999

Introduced by Bromm, 23

AN ACT relating to the Department of Water Resources; to amend sections 46-161, 46-174, and 46-561, Reissue Revised Statutes of Nebraska; to change provisions relating to approval of boundary changes as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 46-161, Reissue Revised Statutes of Nebraska, is amended to read:

46-161. The holder or holders of title, or evidence of title, representing one-half or more of any body of contiguous lands, adjacent to the boundary of an irrigation district, ~~which are contiguous,~~ and which, taken together, constitute one tract of land, may file with the board of directors of such district a petition in writing, praying that the boundaries of such district ~~may be so changed as~~ be changed to include their lands. The petition shall describe the boundaries of the parcel or tract of land, and shall also describe the boundaries of the several parcels respectively owned by the petitioners, if the petitioners are the owners of distinct parcels, ~~but~~ such description need not be more particular than ~~it is required to be~~ when such lands are entered by the county ~~or precinct~~ assessor in the assessment book. Such petition ~~must contain the assent~~ shall contain the consent of the petitioners to the inclusion in such district of the parcels or tracts of land described in the petition and of which the petition alleges that they are respectively the owners, and ~~it must~~ shall be acknowledged in the same manner that conveyances of land are required to be acknowledged. ~~PROVIDED, HOWEVER, that a certified copy of the petition and description of proposed lands to be included, shall be filed with the Department of Water Resources for approval. The board of directors of the district shall not take action without such approval.~~

Sec. 2. Section 46-174, Reissue Revised Statutes of Nebraska, is amended to read:

46-174. The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district, may file with the board of directors of the district a petition praying that such tracts and any other tracts contiguous thereto may be excluded and taken from the district. The petition shall describe the boundaries of the land which the petitioners desire to have excluded from the district and also the lands of each of such petitioners which are included within such boundaries, ~~but~~ the description of such lands need not be more particular ~~nor or~~ or certain than is required when the lands are entered in the assessment book by the county ~~or precinct~~ assessor. Such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. ~~PROVIDED, HOWEVER, that no lands be included or excluded from any irrigation district by any board of directors without first obtaining the approval of the Department of Water Resources.~~

Sec. 3. Section 46-561, Reissue Revised Statutes of Nebraska, is amended to read:

46-561. The boundaries of any district organized under the provisions of sections 46-501 to 46-573 may be changed in the manner herein prescribed, but the changes of boundaries of the district shall not impair or affect its organization, its right in or to property, or any of its rights or privileges whatsoever, ~~nor shall it and shall not affect, impair, or impair~~ or discharge any contract, obligation, lien, or charge for or upon which it might be liable or chargeable had such change of boundaries not been made. The owners of lands may file with the board a petition, in writing, asking that such lands be included in the district. The petition shall describe the tracts or body of land owned by the petitioners. It shall be deemed to give assent by the petitioners to the inclusion in ~~said~~ the district of the lands described in the petition. ~~It must~~ The petition shall be acknowledged in the same manner that conveyances of land are required to be acknowledged. The secretary of the board shall cause notice of the filing of such petition to be given and published in the county in which the lands are situated, which notice shall state the filing of such petition, names of petitioners, descriptions of lands mentioned, and the prayer of ~~said~~ the petitioners and give notice to all persons interested to appear at the office of the board at

the time named in the notice and show cause in writing, if any, ~~they have,~~ why the petition should not be granted. The board shall at the time and place mentioned or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections ~~thereto~~ presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing shall be deemed and held and taken as an assent on his or her part to the inclusion of such lands in the district as prayed for in the petition. If the petition is granted, the board shall make an order to that effect. ~~and file same with the department and, upon order of the department, the lands shall be included in the district.~~

Sec. 4. Original sections 46-161, 46-174, and 46-561, Reissue Revised Statutes of Nebraska, are repealed.