

LEGISLATIVE BILL 35

Approved by the Governor February 20, 2003

Introduced by Schrock, 38

AN ACT relating to water wells; to amend section 46-656.30, Revised Statutes Supplement, 2002; to change provisions relating to denial of a permit as prescribed; and to repeal the original section.

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

Section 1. Section 46-656.30, Revised Statutes Supplement, 2002, is amended to read:

46-656.30. An application for a permit or late permit for a water well in a management area shall be denied only if the district in which the water well is to be located finds (1) that the location or operation of the proposed water well or other work would conflict with any regulations or controls adopted by the district, (2) that the proposed use would not be a beneficial use of water, ~~for domestic, agricultural, manufacturing, or industrial purposes,~~ or (3) in the case of a late permit only, that the applicant did not act in good faith in failing to obtain a timely permit.

If the district finds that the application is incomplete or defective, it shall return the application for correction. If the correction is not made within sixty days, the application shall be canceled. All permits shall be issued with or without conditions attached or denied not later than thirty days after receipt by the district of a complete and properly prepared application.

A permit issued shall specify all regulations and controls adopted by a district relevant to the construction or utilization of the proposed water well. No refund of any application fees shall be made regardless of whether the permit is issued, canceled, or denied. The district shall transmit one copy of each permit issued to the Director of Natural Resources.

Sec. 2. Original section 46-656.30, Revised Statutes Supplement, 2002, is repealed.