

AMENDMENTS TO LB 314

Introduced by Natural Resources

1 1. Insert the following new sections:

2 Sec. 2. Section 46-602, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 46-602 (1) Each water well completed in this state on
5 or after July 1, 2001, excluding test holes and dewatering wells
6 to be used for less than ninety days, shall be registered with
7 the Department of Natural Resources as provided in this section
8 within sixty days after completion of construction of the water
9 well. The water well contractor as defined in section 46-1213
10 constructing the water well, or the owner of the water well if
11 the owner constructed the water well, shall file the registration
12 on a form made available by the department and shall also file
13 with the department the information from the well log required
14 pursuant to section 46-1241. The department shall, by January 1,
15 2002, provide water well contractors with the option of filing such
16 registration forms electronically. No signature shall be required
17 on forms filed electronically. The fee required by subsection (3)
18 of section 46-1224 shall be the source of funds for any required
19 fee to a contractor which provides the on-line services for such
20 registration. Any discount in the amount paid the state by a credit
21 card, charge card, or debit card company or a third-party merchant
22 bank for such registration fees shall be deducted from the portion
23 of the registration fee collected pursuant to section 46-1224.

1 (2)(a) If the newly constructed water well is a
2 replacement water well, the registration form shall include
3 (i) the registration number of the water well being replaced,
4 if applicable, and (ii) the date the original water well was
5 decommissioned or a certification that the water well will be
6 decommissioned within one hundred eighty days or a certification
7 that the original water well will be modified and equipped to
8 pump fifty gallons per minute or less and will be used only for
9 livestock, monitoring, observation, or any other nonconsumptive use
10 or de minimus use approved by the applicable natural resources
11 district.

12 (b) For purposes of this section, replacement water well
13 means a water well which is constructed to provide water for
14 the same purpose as the original water well and is operating in
15 accordance with any applicable permit from the department and any
16 applicable rules and regulations of the natural resources district
17 and, if the purpose is for irrigation, the replacement water well
18 delivers water to the same tract of land served by the original
19 water well and (i) replaces an abandoned water well within three
20 years after the last operation of the abandoned water well and
21 the original water well is decommissioned either before or within
22 one hundred eighty days after such construction, (ii) replaces a
23 water well that has not been abandoned but will not be used after
24 construction of the new water well and the original water well
25 will be decommissioned within one hundred eighty days after such
26 construction, except that in the case of a municipal water well,
27 the original municipal water well may be used after construction

1 of the new water well but shall be decommissioned within one year
2 after completion of the replacement water well, or (iii) will
3 continue to be used but will be modified and equipped within one
4 hundred eighty days after such construction of the replacement
5 water well to pump fifty gallons per minute or less and will
6 be used only for livestock, monitoring, observation, or any other
7 nonconsumptive or de minimus use and approved by the applicable
8 natural resources district.

9 (c) No water well shall be registered as a replacement
10 water well until the Department of Natural Resources has received
11 a properly completed notice of decommissioning for the water well
12 being replaced on a form made available by the department, or
13 properly completed notice, prepared in accordance with subsection
14 (7) of this section, of the modification and equipping of the
15 original water well to pump fifty gallons per minute or less
16 for use only for livestock, monitoring, observation, or any other
17 nonconsumptive or de minimus use approved by the applicable natural
18 resources district. Such notices, as required, shall be completed
19 by (i) the water well contractor as defined in section 46-1213
20 who decommissions the water well or modifies and equips the water
21 well, (ii) the pump installation contractor as defined in section
22 46-1209 who decommissions the water well or modifies and equips the
23 water well, or (iii) the owner if the owner decommissions a driven
24 sandpoint well which is on land owned by him or her for farming,
25 ranching, or agricultural purposes or as his or her place of
26 abode. The Department of Health and Human Services Regulation and
27 Licensure shall, by rule and regulation, determine which contractor

1 or owner shall be responsible for such notice in situations in
2 which more than one contractor or owner may be required to provide
3 notice under this subsection.

4 (3) For a series of two or more water wells completed and
5 pumped into a common carrier as part of a single site plan for
6 irrigation purposes, a registration form and a detailed site plan
7 shall be filed for each water well. The registration form shall
8 include the registration numbers of other water wells included in
9 the series if such water wells are already registered.

10 (4) A series of water wells completed for purposes
11 of installation of a ground heat exchanger for a structure
12 for utilizing the geothermal properties of the ground shall be
13 considered as one water well. One registration form and a detailed
14 site plan shall be filed for each such series.

15 (5) One registration form shall be required along with
16 a detailed site plan which shows the location of each such water
17 well in the site and a log from each such water well for water
18 wells constructed as part of a single site plan for (a) monitoring
19 ground water, obtaining hydrogeologic information, or extracting
20 contaminants from the ground, (b) water wells constructed as part
21 of remedial action approved by the Department of Environmental
22 Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, and
23 (c) water well owners who have a permit issued pursuant to the
24 Industrial Ground Water Regulatory Act and also have an underground
25 injection control permit issued by the Department of Environmental
26 Quality.

27 (6) The Department of Natural Resources shall be notified

1 by the owner of any change in the ownership of a water well
2 required to be registered under this section. Notification shall be
3 in such form and include such evidence of ownership as the Director
4 of Natural Resources by rule and regulation directs. The department
5 shall use such notice to update the registration on file. The
6 department shall not collect a fee for the filing of the notice.

7 (7) The water well contractor or pump installation
8 contractor responsible therefor shall notify the department within
9 sixty days on a form provided by the department of any pump
10 installation or any modifications to the construction of the water
11 well or pump, after the initial registration of the well. For
12 a change of use resulting in modification and equipping of an
13 original water well which is being replaced in accordance with
14 subsection (2) of this section, the water well contractor or pump
15 installation contractor shall notify the department within sixty
16 days on a form provided by the department of the water well and
17 pump modifications and equipping of the original water well. A
18 water well owner shall notify the department within sixty days on
19 a form provided by the department of any other changes or any
20 inaccuracies in recorded water well information, including, but not
21 limited to, changes in use. The department shall not collect a fee
22 for the filing of the notice.

23 (8) Whenever a water well becomes an illegal water well
24 as defined in section 46-706, the owner of the water well shall
25 either correct the deficiency that causes the well to be an illegal
26 water well or shall cause the proper decommissioning of the water
27 well in accordance with rules and regulations adopted pursuant

1 to the Water Well Standards and Contractors' Licensing Act. The
2 water well contractor who decommissions the water well, the pump
3 installation contractor who decommissions the water well, or the
4 owner if the owner decommissions a driven sandpoint well which is
5 on land owned by him or her for farming, ranching, or agricultural
6 purposes or as his or her place of abode, shall provide a properly
7 completed notice of abandonment to the Department of Natural
8 Resources within sixty days. The Department of Health and Human
9 Services Regulation and Licensure shall, by rule and regulation,
10 determine which contractor or owner shall be responsible for such
11 notice in situations in which more than one contractor or owner may
12 be required to provide notice under this subsection. The Department
13 of Natural Resources shall not collect a fee for the filing of the
14 notice.

15 (9) Except for water wells which are used solely for
16 domestic purposes and were constructed before September 9, 1993,
17 and for test holes and dewatering wells used for less than ninety
18 days, each water well which was completed in this state before
19 July 1, 2001, and which is not registered on that date shall be an
20 illegal water well until it is registered with the Department of
21 Natural Resources. Such registration shall be completed by a water
22 well contractor or by the current owner of the water well, shall
23 be on forms provided by the department, and shall provide as much
24 of the information required by subsections (1) through (5) of this
25 section for registration of a new water well as is possible at the
26 time of registration.

27 (10) Water wells which are or were used solely for

1 injecting any fluid other than water into the underground water
2 reservoir, which were constructed before July 16, 2004, and which
3 have not been properly decommissioned on or before July 16, 2004,
4 shall be registered on or before July 1, 2005.

5 (11) Water wells described in subdivision (1)(b) of
6 section 46-601.01 shall be registered with the Department of
7 Natural Resources as provided in subsection (1) of this section
8 within sixty days after the water well is constructed. Water wells
9 described in subdivision (1)(b) of section 46-601.01 which were
10 constructed prior to the effective date of this act shall be
11 registered within one hundred eighty days of such date.

12 Sec. 4. If any section in this act or any part of any
13 section is declared invalid or unconstitutional, the declaration
14 shall not affect the validity or constitutionality of the remaining
15 portions.

16 Sec. 6. Since an emergency exists, this act takes effect
17 when passed and approved according to law.

18 2. On page 3, line 15, after the comma insert "and
19 section 46-602, Revised Statutes Cumulative Supplement, 2006,".

20 3. Renumber the remaining sections accordingly.