

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 840

Introduced by Haar, 21.

Read first time January 13, 2014

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to ground water management; to amend section
2 46-735, Reissue Revised Statutes of Nebraska; to require
3 rules and regulations for mandatory water well permits in
4 management areas; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-735, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 46-735 (1) ~~Any~~ If the district has provided by rule and
4 regulation that a permit must be obtained for every water well
5 constructed in all or a portion of the management area, any person
6 who intends to construct a water well ~~in a management area in this~~
7 ~~state~~ on land which he or she owns or controls in a management area
8 where a permit is required shall, before commencing construction,
9 apply with the district in which the water well will be located for a
10 permit on forms provided by the district, except that (a) no permit
11 shall be required for test holes or dewatering wells with an intended
12 use of ninety days or less, (b) no permit shall be required for a
13 single water well designed and constructed to pump fifty gallons per
14 minute or less, and (c) a district may provide by rule and regulation
15 that a permit need not be obtained for water wells defined by the
16 district to be replacement water wells. A district may require a
17 permit for a water well designed and constructed to pump fifty
18 gallons per minute or less if such water well is commingled,
19 combined, clustered, or joined with any other water well or wells or
20 other water source, other than a water source used to water range
21 livestock. Such wells shall be considered one water well and the
22 combined capacity shall be used as the rated capacity. A district may
23 by rule and regulation require that a permit be obtained for each
24 water well or for one or more categories of water wells designed and
25 constructed to pump fifty gallons per minute or less, other than a

1 water source required for human needs as it relates to health, fire
2 control, and sanitation or used to water range livestock, in ground
3 water management areas in which regulations have been imposed to
4 control declining ground water levels. A district may by rule and
5 regulation require that a permit be obtained for every new and
6 replacement well in the management area. Forms shall be made
7 available at each district in which a management area is located, in
8 whole or in part, and at such other places as may be deemed
9 appropriate. The district shall review such application and issue or
10 deny the permit within thirty days after the application is filed.

11 (2) A person shall apply for a permit under this section
12 before he or she modifies a water well for which a permit was not
13 required under subsection (1) of this section into one for which a
14 permit would otherwise be required under such subsection.

15 (3) The application shall be accompanied by a fifty-
16 dollar filing fee payable to the district and shall contain (a) the
17 name and post office address of the applicant or applicants, (b) the
18 nature of the proposed use, (c) the intended location of the proposed
19 water well or other means of obtaining ground water, (d) the intended
20 size, type, and description of the proposed water well and the
21 estimated depth, if known, (e) the estimated capacity in gallons per
22 minute, (f) the acreage and location by legal description of the land
23 involved if the water is to be used for irrigation, (g) a description
24 of the proposed use if other than for irrigation purposes, (h) the
25 registration number of the water well being replaced if applicable,

1 and (i) such other information as the district requires.

2 (4) Any person who has failed or in the future fails to
3 obtain a permit required by subsection (1) or (2) of this section
4 shall make application for a late permit on forms provided by the
5 district.

6 (5) The application for a late permit shall be
7 accompanied by a two-hundred-fifty-dollar fee payable to the district
8 and shall contain the same information required in subsection (3) of
9 this section.

10 Sec. 2. Original section 46-735, Reissue Revised Statutes
11 of Nebraska, is repealed.