

AMENDMENTS TO LB 890

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 46-230, Revised Statutes Supplement,
4 2001, is amended to read:

5 46-230. As the adjudication of a stream progresses and
6 as each claim is finally adjudicated, the director shall make and
7 cause to be entered of record in his or her office an order
8 determining and establishing the ~~several~~ priorities of right to use
9 the water of such stream, the amount of the appropriation of the
10 ~~several~~ persons claiming water from such stream and the character
11 of use for which each appropriation ~~shall be~~ is found to have been
12 made, and the address of the owner of each water appropriation. It
13 shall be the duty of every owner of an appropriation to give notice
14 to the department of its address and any change of its address or
15 of the name of the owner of the appropriation. Notification shall
16 be in such form and shall include such evidence of ownership as the
17 director may by regulation require. Upon receipt of such notice,
18 the department shall update its records. ~~The department shall~~
19 ~~establish a uniform fee for filing such notices, notices filed~~
20 ~~pursuant to section 76-2,124, and notices filed pursuant to~~
21 ~~subsection (6) of section 46-602. Such fees shall be no higher~~
22 ~~than the amount necessary to cover the costs incurred by the~~
23 ~~department for processing such notices in accordance with this~~
24 ~~section, subsection (6) of section 46-602, and section 76-2,124.~~

1 ~~The fee shall be paid at the time of filing the notice and shall be~~
2 ~~remitted to the State Treasurer for credit to the Department of~~
3 ~~Natural Resources Cash Fund~~ The department shall not collect a fee
4 for the filing of the notice.

5 Sec. 2. Section 46-602, Revised Statutes Supplement,
6 2001, is amended to read:

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

27 (2) If the newly constructed water well is a replacement

1 water well, the registration number of the water well it replaces,
2 if applicable, and the date the original water well was or will be
3 decommissioned shall be included on the registration form. For
4 purposes of this section, replacement water well means a water well
5 which (a) replaces an abandoned water well within three years after
6 the last operation of the abandoned water well or replaces a water
7 well that will not be used after construction of the new water well
8 and the original water well will be abandoned within one year after
9 such construction and (b) is constructed to provide water to the
10 same tract of land served by the water well being replaced. No
11 water well shall be registered as a replacement water well until
12 the department has received a properly completed notice of
13 abandonment for the water well being replaced.

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

20 (4) A series of water wells completed for purposes of
21 installation of a ground heat exchanger for a structure for
22 utilizing the geothermal properties of the ground shall be
23 considered as one water well. One registration form and a detailed
24 site plan shall be filed for each such series.

25 (5) One registration form shall be required along with a
26 detailed site plan which shows the location of each such water well
27 in the site and a log from each such water well for water wells

AM2519
LB 890
MHF-01-31

AM2519
LB 890
MHF-01-31

1 constructed as part of a single site plan for (a) monitoring ground
2 water, obtaining hydrogeologic information, or extracting
3 contaminants from the ground, (b) water wells constructed as part
4 of remedial action approved by the Department of Environmental
5 Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, and
6 (c) water well owners who have a permit issued pursuant to the
7 Industrial Ground Water Regulatory Act and also have an underground
8 injection control permit issued by the Department of Environmental
9 Quality.

10 (6) The department shall be notified by the owner of any
11 change in the ownership of a water well required to be registered
12 under this section. Notification shall be in such form and include
13 such evidence of ownership as the Director of Natural Resources by
14 rule and regulation directs. The department shall use such notice
15 to update the registration on file. ~~The department shall establish~~
16 ~~a uniform fee for filing such notices, notices filed pursuant to~~
17 ~~section 76-2,124, and notices filed pursuant to section 46-230.~~
18 ~~Such fees shall be no higher than the amount necessary to cover the~~
19 ~~costs incurred by the department for processing such notices in~~
20 ~~accordance with this section and sections 46-230 and 76-2,124. The~~
21 ~~fee shall be paid at the time of filing the notice and shall be~~
22 ~~remitted to the State Treasurer for credit to the Department of~~
23 ~~Natural Resources Cash Fund~~ The department shall not collect a fee
24 for the filing of the notice.

25 (7) The water well contractor or pump installation
26 contractor responsible therefor shall notify the department on a
27 form provided by the department of any pump installation or any

1 modifications to the construction of the water well or pump, after
2 the initial registration of the well. A water well owner shall
3 notify the department on a form provided by the department of any
4 other changes or any inaccuracies in recorded water well
5 information, including, but not limited to, changes in use. ~~The~~
6 ~~fee for filing any such document shall be governed by section~~
7 33-105 The department shall not collect a fee for the filing of the
8 notice.

9 (8) Whenever a water well becomes an illegal water well
10 as defined in section 46-656.07, the owner of the water well shall
11 either correct the deficiency that causes the well to be an illegal
12 water well or shall cause the proper decommissioning of the water
13 well in accordance with rules and regulations adopted pursuant to
14 the Water Well Standards and Contractors' Licensing Act. Upon
15 proper decommissioning of any water well, written notice of
16 abandonment shall be provided by the owner to the department within
17 sixty days. The department shall not collect a fee for the filing
18 of the notice.

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

1 the information required by subsections (1) through (5) of this
2 section for registration of a new water well as is possible at the
3 time of registration.

4 Sec. 3. Section 46-606, Revised Statutes Supplement,
5 2001, is amended to read:

6 46-606. (1) The Director of Natural Resources shall
7 collect in advance a registration fee of thirty dollars and the fee
8 required by section 46-1224 for each water well registered under
9 section 46-602 except as provided in subsections (2) through (5) of
10 this section.

11 (2) For water wells permitted pursuant to the Industrial
12 Ground Water Regulatory Act, the director shall collect in advance
13 a registration fee of thirty dollars and the fee required by
14 section 46-1224 for each of the first ten such water wells
15 registered under section 46-602, and for each group of ten or fewer
16 such water wells registered thereafter, the director shall collect
17 in advance a registration fee of thirty dollars and the fee
18 required by section 46-1224.

19 (3) For a series of water wells completed for purposes of
20 installation of a ground heat exchanger for a structure for
21 utilizing the geothermal properties of the ground, the director
22 shall collect in advance a fee of thirty dollars for each such
23 series and the fee required by section 46-1224.

24 (4) For water wells constructed as part of a single site
25 plan for monitoring ground water, obtaining hydrogeologic
26 information, or extracting contaminants from the ground, the
27 director shall collect in advance a registration fee of thirty

AM2519
LB 890
MHF-01-31

AM2519
LB 890
MHF-01-31

1 dollars and the fee required by section 46-1224 for each of the
2 first five such water wells registered under section 46-602, and
3 for each group of five or fewer such water wells registered
4 thereafter, the director shall collect in advance a registration
5 fee of thirty dollars and the fee required by section 46-1224.
6 However, if such water wells are a part of remedial action approved
7 by the Department of Environmental Quality pursuant to section
8 66-1525, 66-1529.02, or 81-15,124, the fee set pursuant to this
9 subsection shall be collected as if only one water well was being
10 registered and the fee required by section 46-1224 shall be
11 collected.

12 (5) (a) For a series of two or more water wells completed
13 and pumped into a common carrier as part of a single site plan for
14 irrigation purposes, the director shall collect in advance a
15 registration fee of thirty dollars and the fee required by section
16 46-1224 for each of the first two such wells registered under
17 section 46-602.

18 (b) Any additional water wells which are part of a series
19 registered under this subsection shall not be subject to a new well
20 registration fee.

21 (6) The director shall remit the fees collected to the
22 State Treasurer for credit to the appropriate fund. ~~The~~ From the
23 registration fees required by subsections (1) through (5) of this
24 section, the State Treasurer shall credit to the Department of
25 Natural Resources Cash Fund one-half the amount determined by the
26 Department of Natural Resources to be necessary to pay for the
27 costs of notices filed pursuant to section 46-230, the costs of

1 water resources update notices required by section 76-2,124, and
2 the costs for making corrections to water well registration data
3 authorized by subsections (6) and (7) of section 46-602 and shall
4 credit the remainder of the registration fees required by
5 subsections (1) through (5) of this section to the Water Well
6 Decommissioning Fund. From the fees required by section 46-1224,
7 the State Treasurer shall credit to the Department of Natural
8 Resources Cash Fund one-half the amount determined by the
9 Department of Natural Resources to be necessary to pay for the
10 costs of registering such water wells on-line as authorized by
11 subsection (1) of section 46-1224 the notices filed pursuant to
12 section 46-230, the costs of water resources update notices
13 required by section 76-2,124, and the costs for making corrections
14 to water well registration data authorized by subsections (6) and
15 (7) of section 46-602 and shall credit the remainder of the fees
16 required by section 46-1224 to the Water Well Standards and
17 Contractors' Licensing Fund. This subsection terminates on
18 December 31, 2004.

19 Sec. 4. Section 61-210, Revised Statutes Supplement,
20 2001, is amended to read:

21 61-210. The Department of Natural Resources Cash Fund is
22 created. The State Treasurer shall credit to such fund such money
23 as is specifically appropriated or reappropriated by the
24 Legislature. The State Treasurer shall also credit such fund with
25 payments, if any, accepted for services rendered by the department
26 and fees collected pursuant to subdivision (10) of section 33-105,
27 ~~subsection (6) of section 46-602,~~ subsection (6) of section 46-606,

AM2519
LB 890
MHF-01-31

AM2519
LB 890
MHF-01-31

1 ~~sections 46-230, 61-209, and 76-2,124~~ and section 61-209. The
2 funds made available to the Department of Natural Resources by the
3 United States, through the Natural Resources Conservation Service
4 of the Department of Agriculture or through any other agencies,
5 shall be credited to the fund by the State Treasurer. Any money in
6 the fund available for investment shall be invested by the state
7 investment officer pursuant to the Nebraska Capital Expansion Act
8 and the Nebraska State Funds Investment Act. The Department of
9 Natural Resources shall allocate money from the fund to pay costs
10 of the programs or activities of the department. The Director of
11 Administrative Services, upon receipt of proper vouchers approved
12 by the department, shall issue warrants on the fund, and the State
13 Treasurer shall countersign and pay from, but never in excess of,
14 the amounts to the credit of the fund. The State Treasurer shall
15 transfer any money in the Department of Water Resources Cash Fund
16 and in the Nebraska Natural Resources Commission Cash Fund on July
17 1, 2000, to the Department of Natural Resources Cash Fund.

18 Sec. 5. Section 76-2,124, Revised Statutes Supplement,
19 2001, is amended to read:

20 76-2,124. (1) Any person transferring ownership of real
21 property not inside the corporate limits of a municipality shall
22 complete and provide to the transferee, at or before the closing of
23 the transfer, a water resources update notice acknowledging (a)
24 whether any surface water rights issued pursuant to Chapter 46,
25 article 2, and in the name of any party other than an irrigation
26 district, public power and irrigation district, or mutual
27 irrigation company are attached to the real property, ownership of

AM2519
LB 890
MHF-01-31

AM2519
LB 890
MHF-01-31

1 which is being transferred, and (b) whether there are any water
2 wells, except water wells used solely for domestic purposes and
3 constructed prior to September 9, 1993, on the real property,
4 ownership of which is being transferred. If the water resources
5 update notice discloses the existence of such surface water rights
6 or such water wells, the transferee shall complete the water
7 resources update notice and shall file it with the Department of
8 Natural Resources within sixty days after recording the deed or
9 other instrument by which the transfer of ownership of real
10 property is made. The department shall use such notice to update
11 ownership of surface water rights and water well registrations as
12 required by sections 46-230 and 46-602.

13 (2) The department shall prescribe the form and content
14 of the water resources update notice and shall make such forms
15 available to title insurance companies and other persons as deemed
16 appropriate by the department. The requirement that a water
17 resources update notice be filed with the department or the failure
18 to file such a notice does not affect the recording, legality, or
19 sufficiency of a deed or other instrument evidencing the transfer
20 of ownership of real property.

21 (3) The department shall ~~establish a uniform fee which~~
22 ~~shall be no higher than the amount necessary to cover costs~~
23 ~~incurred by the department for processing~~ not collect a fee for the
24 filing of the water resources update notices. ~~7 notices filed~~
25 ~~pursuant to section 46-230, and notices filed pursuant to~~
26 ~~subsection (6) of section 46-602. The fee shall be paid at the time~~
27 ~~of filing the water resources update notice and shall be remitted~~

AM2519
LB 890
MHF-01-31

AM2519
LB 890
MHF-01-31

1 ~~to the State Treasurer for credit to the Department of Natural~~
2 ~~Resources Cash Fund.~~

3 Sec. 6. Original sections 46-230, 46-602, 46-606,
4 61-210, and 76-2,124, Revised Statutes Supplement, 2001, are
5 repealed.".