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AMENDMENTS TO LB 457

1 1. Insert the following new sections:

2 "Section 1. Section 46-230, Revised Statutes Supplement,
3 2000, is amended to read:

4 46-230. As the adjudication of a stream progresses and
5 as each claim is finally adjudicated, the director shall make and
6 cause to be entered of record in his or her office an order
7 determining and establishing the several priorities of right to use
8 the water of such stream, the amount of the appropriation of the
9 several persons claiming water from such stream and the character
10 of use for which each appropriation shall be found to have been
11 made, and the address of the owner of each water appropriation. It
12 shall be the duty of every owner of an appropriation to give notice
13 to the department of its address and any change of its address or
14 of the name of the owner of the appropriation. Notification shall
15 be in such form and shall include such evidence of ownership as the
16 director may by regulation require. Upon receipt of such notice,
17 the department shall update its records. The department shall
18 establish a uniform fee for filing such notices, notices filed
19 pursuant to section 22 of this act, and notices filed pursuant to
20 subsection (6) of section 46-602. Such fees shall be no higher
21 than the amount necessary to cover the costs incurred by the
22 department for processing such notices in accordance with this
23 section and section 22 of this act and subsection (6) of section
24 46-602. The fee shall be paid at the time of filing the notice and

1 shall be remitted to the State Treasurer for credit to the
2 Department of Natural Resources Cash Fund.

3 Sec. 5. Section 46-606, Revised Statutes Supplement,
4 2000, is amended to read:

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

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

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

23 (4) For water wells constructed as part of a single site
24 plan for monitoring ground water, obtaining hydrogeologic
25 information, or extracting contaminants from the ground, the
26 director shall collect in advance a registration fee of thirty
27 dollars and the fee required by section 46-1224 for each of the

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

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

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

20 (6) The director shall remit the fees collected to the
21 State Treasurer for credit to the appropriate fund. The State
22 Treasurer shall credit the registration fees to the Water Well
23 Decommissioning Fund. From the fees required by section 46-1224,
24 the State Treasurer shall credit to the Department of Natural
25 Resources Cash Fund the amount determined by the Department of
26 Natural Resources to be necessary to pay for the costs of
27 registering such water wells online as authorized by subsection (1)

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1 of section 46-1224 and shall credit the remainder of the fees
2 required by section 46-1224 to the Water Well Standards and
3 Contractors' Licensing Fund.

4 Sec. 21. Section 61-210, Revised Statutes Supplement,
5 2000, is amended to read:

6 61-210. The Department of Natural Resources Cash Fund is
7 created. The State Treasurer shall credit to such fund such money
8 as is specifically appropriated or reappropriated by the
9 Legislature. The State Treasurer shall also credit such fund with
10 payments, if any, accepted for services rendered by the department
11 and fees collected pursuant to subdivision (10) of section 33-105,
12 subsection (6) of section 46-602, subsection (6) of section 46-606,
13 section 46-230, and section 61-209 and section 22 of this act. The
14 funds made available to the Department of Natural Resources by the
15 United States, through the Natural Resources Conservation Service
16 of the Department of Agriculture or through any other agencies,
17 shall be credited to the fund by the State Treasurer. Any money in
18 the fund available for investment shall be invested by the state
19 investment officer pursuant to the Nebraska Capital Expansion Act
20 and the Nebraska State Funds Investment Act. The Department of
21 Natural Resources shall allocate money from the fund to pay costs
22 of the programs or activities of the department. The Director of
23 Administrative Services, upon receipt of proper vouchers approved
24 by the department, shall issue warrants on the fund, and the State
25 Treasurer shall countersign and pay from, but never in excess of,
26 the amounts to the credit of the fund. The State Treasurer shall
27 transfer any money in the Department of Water Resources Cash Fund

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1 and in the Nebraska Natural Resources Commission Cash Fund on July
2 1, 2000, to the Department of Natural Resources Cash Fund.

3 Sec. 22. (1) Any person transferring real property not
4 inside the corporate limits of a municipality shall complete and
5 provide to the transferee, at or before the closing of the
6 transfer, a water resources update notice acknowledging (a) whether
7 any surface water rights issued pursuant to Chapter 46, article 2,
8 and in the name of any party other than an irrigation district,
9 public power and irrigation district, or mutual irrigation company
10 are attached to the real property being transferred and (b) whether
11 there are any water wells, except water wells used solely for
12 domestic purposes and constructed prior to September 9, 1993, on
13 the real property being transferred. If the water resources update
14 notice discloses the existence of such surface water rights or such
15 water wells, the transferee shall complete the water resources
16 update notice and shall file it with the Department of Natural
17 Resources within sixty days after recording the deed or other
18 instrument by which the transfer of real property is made. The
19 department shall use such notice to update ownership of surface
20 water rights and water well registrations as required by sections
21 46-230 and 46-602.

22 (2) The department shall prescribe the form and content
23 of the water resources update notice and shall make such forms
24 available to title insurance companies and other persons as deemed
25 appropriate by the department. The requirement that a water
26 resources update notice be filed with the department or the failure
27 to file such a notice does not affect the recording, legality, or

1 sufficiency of a deed or other instrument evidencing the transfer
2 of real property.

3 (3) The department shall establish a uniform fee which
4 shall be no higher than the amount necessary to cover costs
5 incurred by the department for processing the water resources
6 update notices, notices filed pursuant to section 46-230, and
7 notices filed pursuant to subsection (6) of section 46-602. The
8 fee shall be paid at the time of filing the water resources update
9 notice and shall be remitted to the State Treasurer for credit to
10 the Department of Natural Resources Cash Fund."

11 2. On page 4, strike beginning with "The" in line 7
12 through line 8 and insert "The department shall establish a uniform
13 fee for filing such notices, notices filed pursuant to section 22
14 of this act, and notices filed pursuant to subsection (6) of
15 section 46-602. Such fees shall be no higher than the amount
16 necessary to cover the costs incurred by the department for
17 processing such notices in accordance with this section and section
18 22 of this act and subsection (6) of section 46-602. The fee shall
19 be paid at the time of filing the notice and shall be remitted to
20 the State Treasurer for credit to the Department of Natural
21 Resources Cash Fund."

22 3. Amend the repealer and renumber the remaining
23 sections accordingly.

24 4. In the Standing Committee amendments, AM0360,
25 renumber sections 7 and 9 as sections 9 and 11, respectively.