

AMENDMENTS TO LB 295

Introduced by Louden, 49

1           1. Insert the following new sections:

2           Sec. 2. Section 46-601.01, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           46-601.01 For purposes of Chapter 46, article 6:

5           ~~(1)~~ (1)(a) Water well means any excavation that is  
6 drilled, cored, bored, washed, driven, dug, jetted, or otherwise  
7 constructed for the purpose of exploring for ground water,  
8 monitoring ground water, utilizing the geothermal properties of  
9 the ground, obtaining hydrogeologic information, or extracting  
10 water from or injecting fluid as defined in section 81-1502 into  
11 the underground water reservoir.

12           (b) Water well includes any excavation made for any  
13 purpose if ground water flows into the excavation under natural  
14 pressure and a pump or other device is placed in the excavation  
15 for the purpose of withdrawing water from the excavation for  
16 irrigation. For such excavations, construction means placing a pump  
17 or other device into the excavation for the purpose of withdrawing  
18 water for irrigation.

19           (c) Water well does not include any excavation made for  
20 obtaining or prospecting for oil or natural gas or for inserting  
21 media to repressure oil or natural gas bearing formations regulated  
22 by the Nebraska Oil and Gas Conservation Commission; and

23           (2) Common carrier means any carrier of water including a

1 pipe, canal, ditch, or other means of piping or adjoining water for  
2 irrigation purposes.

3           Sec. 8. Section 46-1212, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           46-1212 Water well shall mean any excavation that is  
6 drilled, cored, bored, washed, driven, dug, jetted, or otherwise  
7 constructed for the purpose of exploring for ground water,  
8 monitoring ground water, utilizing the geothermal properties of  
9 the ground, obtaining hydrogeologic information, or extracting  
10 water from or injecting fluid as defined in section 81-1502 into  
11 the underground water reservoir. Water well shall not include  
12 any excavation (1) made for obtaining or prospecting for oil or  
13 natural gas or for inserting media to repressure oil or natural  
14 gas bearing formations regulated by the Nebraska Oil and Gas  
15 Conservation Commission or (2) described in subdivision (1)(b) of  
16 section 46-601.01.

17           Sec. 9. Sections 1, 4, 5, 6, 7, 12, and 13 of this act  
18 become operative three calendar months after the adjournment of  
19 this legislative session. The other sections of this act become  
20 operative on their effective date.

21           Sec. 10. If any section in this act or any part of any  
22 section is declared invalid or unconstitutional, the declaration  
23 shall not affect the validity or constitutionality of the remaining  
24 portions.

25           Sec. 11. Original sections 46-601.01 and 46-1212, Reissue  
26 Revised Statutes of Nebraska, and section 46-602, Revised Statutes  
27 Cumulative Supplement, 2006, are repealed.

1                   Sec. 14. Since an emergency exists, this act takes effect  
2 when passed and approved according to law.

3                   2. On page 13, after line 18 insert the following new  
4 subsection:

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 operative date of this section shall be  
11 registered within one hundred eighty days of such date.".

12                   3. On page 26, line 24, strike the second comma; and in  
13 line 25 strike "46-602,".

14                   4. Renumber the remaining sections accordingly.