

## LEGISLATIVE BILL 246

Approved by the Governor March 16, 1981

Introduced by Lamb, 43

AN ACT to amend sections 46-602 and 46-651, Revised Statutes Supplement, 1980, relating to ground water; to change provisions for the registration of certain wells; to provide severability; and to repeal the original sections, and also section 46-652, Revised Statutes Supplement, 1980.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 46-602, Revised Statutes Supplement, 1980, be amended to read as follows:

46-602. (1) The owner of each well, except wells used solely for domestic purposes, completed in this state shall complete appropriate registration forms within twenty days after the completion of such well. Registration shall be in such form as the director may direct, and shall contain a statement of (a) the location of such well, (b) the date of its completion, (c) the intended use of such well, (d) the size of such well, (e) the actual capacity of such well expressed in gallons per minute, (f) the identification, by number, of a permit issued pursuant to section 46-660, if applicable, (g) such evidence of ownership of the well as the director may by regulation direct, and (h) such additional information conformable to the statement of purpose contained in section 46-601 as the director might require.  ~~;--Provided; that all wells for which a permit has been or in the future is granted by the Department of Water Resources under sections 46-638 to 46-650; shall be exempt from the provisions of this section.~~ Notwithstanding section 46-605, no fee shall be charged for registration of any well for which a permit was obtained pursuant to sections 46-638 to 46-650 or section 46-660. The Department of Water Resources shall be notified of any change in the ownership of a well required to be registered under this section. Notification shall be in such form and shall include such evidence of ownership as the director may by regulation direct. The department shall use such notice to update the well registration on file in that office.

(2) If the well has been drilled by any person other than the owner thereof, the registration shall be furnished in triplicate to the person actually drilling such well, to be forwarded with the certificate of the

well driller required by section 46-603.

(3) Whenever any owner of a registered well, or a well required to be registered pursuant to subsections (1) and (2) of this section, shall abandon such well, he or she shall completely fill the well cavity in accordance with the rules and regulations of the Department of Water Resources. The method specified in such rules and regulations for filling well cavities shall be designed to eliminate any safety hazard created by abandoned wells and to prevent deterioration in the quality of the underlying ground waters. Written notice of any such abandonment shall be provided to the Department of Water Resources within sixty days thereafter.

(4) When any owner of an abandoned registered well or a well required to be registered replaces such well he or she shall, within thirty days after the completion of such replacement well, give notice to the department by filing in the office of the department completed well registration and well driller certificate forms, in triplicate, for the replacement well. No fee shall be collected for filing notice of abandonment or for the registration of the replacement of a registered well.

(5) When any owner of an abandoned well in a control area desires to replace such well, he or she shall, prior to commencing construction thereof, obtain a permit pursuant to the provisions of section 46-659. The owner of such abandoned well may immediately proceed to dig a replacement well and pump water therefrom without obtaining a permit if the pump installed in the replacement well has a column size not greater than the pump formerly used in the abandoned well. Following completion of any such well, notice of such completion shall be given in the manner provided by subsection (4) of this section.

Sec. 2. That section 46-651, Revised Statutes Supplement, 1980, be amended to read as follows:

46-651. (1) Except as provided in section 46-653 or 46-654, (1) (a) after November 18, 1965, no irrigation or industrial well or well of any other public water supplier shall be drilled within one thousand feet of any registered well of any public water supplier and no well of any such public water supplier shall be drilled within one thousand feet of any such registered irrigation or industrial well; and (2) (b) after August 24, 1979, no irrigation well shall be drilled within one thousand feet of an a registered industrial well and no industrial well

shall be drilled within one thousand feet of ~~an~~ a registered irrigation or industrial well. Such prohibitions shall not apply to wells owned by the same person.

(2) The well spacing protection of subsection (1) of this section shall apply to an unregistered well for a period of only thirty days following completion of such well.

Sec. 3. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 4. That original sections 46-602 and 46-651, Revised Statutes Supplement, 1980, and also section 46-652, Revised Statutes Supplement, 1980, are repealed.