

LEGISLATIVE BILL 886

Approved by the Governor March 18, 1986

Introduced by Schmit, 23

AN ACT relating to ground water; to amend sections 46-602, 46-603, 46-604, 46-606, and 46-657, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change provisions relating to well registration forms and certificates of well drillers; to eliminate an obsolete statute; to harmonize provisions; and to repeal the original sections, and also section 46-605, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 46-602, Reissue Revised Statutes of Nebraska, 1943, 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 rule and regulation direct, and (h) such additional information conformable to the statement of purpose contained in section 46-601 as the director might require. ~~Notwithstanding section 46-606, no fee shall be charged for registration of any well for which a permit was obtained pursuant to sections 46-638 to 46-650.~~ 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 rule and 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~~ abandons 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 or management 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 which is 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.

(6) For purposes of this section, replacement well shall mean a well which (a) replaces an abandoned well within five years of the last operation of such abandoned well and (b) is constructed within six hundred feet of the abandoned well.

Sec. 2. That section 46-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-603. Any person actually drilling any well, except wells to be used solely for domestic

purposes, either on his or her own account or for hire, shall keep an accurate log, ~~in triplicate,~~ on certificate of well driller forms to be furnished by the Director of Water Resources, of the depth, thickness, and character of the different strata penetrated and the location of water-bearing strata. The certificate of the well driller shall also contain the dates of beginning and completion of work, the length, size, and weight of the casing and the method of its placement, the size of the drilled hole, where the drilled hole is sealed, the type of seal used, the legal description of the land on which the well is drilled, and such other data as the director may reasonably require. The certificate of the well driller, which shall be accompanied by ~~three copies of~~ the registration form required by section 46-602, shall be transmitted by the person actually drilling the well to the director within thirty days after the completion of such well. Any certificate so transmitted shall indicate the number of the well permit previously issued by the district if such a permit was required by section 46-659.

Sec. 3. That section 46-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-604. The Director of Water Resources shall retain ~~one copy of~~ the certificate of well driller and of the registration; ~~form~~ and shall ~~forward provide~~ one copy of each to the natural resources district ~~office of the county in which within whose boundaries~~ the well is located; and one copy of each to the Conservation and Survey Division of the University of Nebraska.

Sec. 4. That section 46-606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-606. The Director of Water Resources shall collect in advance a fee of seven dollars and fifty cents for each well registered under ~~the provisions of sections section~~ 46-602, ~~except that no fee shall be charged for registration of any well for which a permit was obtained pursuant to the Municipal and Rural Domestic Ground Water Transfers Permit Act. and 46-605-~~ The director shall pay such fees monthly into the state treasury and the State Treasurer shall credit such fees to the General Fund.

Sec. 5. That section 46-657, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-657. As used in the Nebraska Ground Water Management and Protection Act and in sections 46-601 to

46-613.01 and 46-636 to 46-655, unless the context otherwise requires:

(1) Person shall mean a natural person, partnership, association, corporation, municipality, irrigation district, or any agency or political subdivision of the state;

(2) Ground water shall mean that water which occurs, or moves, seeps, filters, or percolates through ground under the surface of the land;

(3) Well shall mean any artificial opening or excavation in the ground through which ground water flows under natural pressure or is artificially withdrawn. A series of wells developed and pumped as a single unit shall be considered as one well. For purposes of the Nebraska Ground Water Management and Protection Act, well shall not mean any artificial opening or excavation in which a pump of less than one hundred gallons per minute capacity is to be installed and which is to be used solely for supply of ground water for domestic purposes;

(4) Construction of a well shall mean boring, drilling, jetting, digging, or excavating; and installing casing, pumps, and other devices for withdrawing or facilitating the withdrawal of ground water;

(5) Pollution of ground water shall mean degradation of the quality of ground water sufficient to make such ground water unsuitable for present or reasonably foreseeable beneficial uses;

(6) District shall mean a natural resources district operating pursuant to Chapter 2, article 32;

(7) Director shall mean the Director of Water Resources;

(8) Illegal well shall mean (a) any well operated or constructed without or in violation of a permit required by the Nebraska Ground Water Management and Protection Act, (b) any well not in compliance with rules and regulations adopted pursuant to such act, (c) any well not properly registered in accordance with sections 46-602 to 46-605 ~~46-604~~, or (d) any well not in compliance with any other applicable laws of the State of Nebraska or with rules and regulations adopted pursuant to such laws;

(9) Control area shall mean any area so designated by the director following a public hearing initiated and conducted pursuant to section 46-658;

(10) To commence construction of a well shall mean the beginning of the boring, drilling, jetting, digging, or excavating of the actual well from which

ground water is to be withdrawn;

(11) Well driller shall mean any person who constructs, reconstructs, alters, or repairs a well. The term shall not include a person who performs labor or services for a well driller at his or her direction and under his or her supervision;

(12) Management area shall mean any area so designated by a district pursuant to sections 46-673.01 to 46-673.06;

(13) Ground water reservoir life goal shall mean the finite or infinite period of time which a district establishes as its goal for maintenance of the supply of water in a ground water reservoir at the time a ground water management plan is adopted;

(14) Board shall mean the board of directors of a district;

(15) Irrigated acre shall mean any acre that is certified as such pursuant to rules and regulations of the district and that is actually capable of being supplied water through irrigation works, mechanisms, or facilities existing at the time of the allocation;

(16) Acre-inch shall mean the amount of water necessary to cover an acre of land one inch deep; and

(17) Subirrigation or subirrigated land shall mean the natural occurrence of a ground water table within the root zone of agricultural vegetation, not exceeding ten feet below the surface of the ground.

Sec. 6. That original sections 46-602, 46-603, 46-604, 46-606, and 46-657, Reissue Revised Statutes of Nebraska, 1943, and also section 46-605, Reissue Revised Statutes of Nebraska, 1943, are repealed.