

LEGISLATIVE BILL 204

Approved by the Governor April 2, 1979

Introduced by Public Works Committee, Kremer, 34, Chmn.; Cullan, 49; Clark, 47; Kennedy, 21; Vickers, 38

AN ACT to amend sections 46-230, Reissue Revised Statutes of Nebraska, 1943, and section 46-602, Revised Statutes Supplement, 1978, relating to irrigation; to provide for notification of ownership of appropriations and wells; and to repeal the original sections.

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

Section 1. That section 46-230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-230. As the adjudication of a stream progresses, and as each claim is finally adjudicated, the Director of Water Resources shall make and cause to be entered of record in his office an order determining and establishing the several priorities of right to use the water of such stream, and the amount of the appropriation of the several persons claiming water from such stream and the character of use for which each appropriation shall be found to have been made, and the address of the owner of each water appropriation. It shall be the duty of every owner of an appropriation to give notice to the Department of Water Resources of its address, and any change of its address or of the name of the owner of the appropriation. Notification shall be in such form and shall include such evidence of ownership as the director may by regulation require. Upon receipt of such notice, the department shall update its records.

Sec. 2. That section 46-602, Revised Statutes Supplement, 1978, 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, and (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 46-606, no fee shall be charged for registration of any well for which a permit was obtained pursuant to 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 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 well replaces such well he 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 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

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obtaining a permit if the pump installed in the replacement well is to be of a capacity 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. 3. That original section 46-230, Reissue Revised Statutes of Nebraska, 1943, and section 46-602, Revised Statutes Supplement, 1978, are repealed.