

LEGISLATIVE BILL 145

Approved by the Governor April 24, 1995

Introduced by McKenzie, 34; Bohlke, 33; Day, 19; Jones, 43; Robak, 22;
Stuhr, 24

AN ACT relating to water wells; to amend sections 46-602 and 46-659, Revised Statutes Supplement, 1994; to change provisions relating to the registration of water wells; to change provisions relating to replacement water wells; to redefine a term; to change provisions relating to permits for certain water wells; and to repeal the original sections.

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

Section 1. Section 46-602, Revised Statutes Supplement, 1994, is amended to read:

46-602. (1) For each water well completed in this state on or after September 9, 1993, the water well contractor as defined in section 46-1213 constructing the water well and the owner of the water well shall complete the appropriate registration form after the completion of the water well. The registration form for all water wells other than test holes and dewatering wells with intended use of ninety days or less shall be filed with the Department of Water Resources by the owner within thirty days after completion of the water well. Registration shall be on a form provided by the Director of Water Resources. The form shall contain (a) the name, address, and signature of the owner, (b) the legal description of the water well, (c) the date drilling commenced and the date construction was completed, (d) the intended use of the water well, (e) the description and depth of geologic materials encountered, (f) the depth and diameter or dimension of the constructed water well and test hole, (g) the depth and diameter or dimension of the excavated hole if applicable, (h) the depth of the formation stabilizer or gravel pack and size of particles if used, (i) the depth and thickness of grout or other sealing materials if applicable, (j) casing information, including length, inside diameter, wall thickness, and type of material if applicable, (k) the static water level, (l) the water level when pumped at the designated rate, giving the rate of pumping and amount of time pumped, if applicable, (m) the yield of the water well in gallons per minute if applicable, (n) the identification number of any permit for the water well issued pursuant to Chapter 46, article 6, Chapter 66, article 11, or any other law, (o) the name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Licensing Act to any person, other than the owner of the water well, who constructed the water well, (p) screen information, including length, trade name, inside and outside diameter, slot size, and type of material if applicable, (q) the signature of the water well contractor, and (r) when the newly constructed water well is a replacement water well, the registration number of the abandoned water well if applicable, and (s) such additional information conformable to the statement of purpose contained in section 46-601 as the director requires. A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well, and one registration form and detailed site plan shall be completed for each such series. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, one registration form shall be required which shall include a detailed site plan which shows the location of each such water well in the site and a log from each such water well. The Department of Water Resources shall be notified of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and shall include such evidence of ownership as the director by rule and regulation directs. The department shall use such notice to update the registration on file. The registration requirement in this subsection shall not apply to water wells constructed prior to September 9, 1993, unless previously required to be registered.

(2) Whenever a water well becomes an illegal water well as defined in section 46-1207.01, the owner of the water well shall decommission the water well by completely filling and sealing the water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well

Standards and Contractors' Licensing Act. The method specified in such rules and regulations for filling and sealing water well cavities shall be designed to eliminate any safety hazard created by illegal water wells and to prevent deterioration in the quality of the underlying ground water. Written notice of any such abandonment shall be provided by the owner to the department within sixty days. The department shall not collect a fee for the filing of the notice.

(3) When any water well contractor as defined in section 46-1213 or owner replaces an abandoned water well, the owner shall, within thirty days after the completion of such replacement water well, give notice of replacement to the department by filing in the office of the department a completed water well registration form for the replacement water well.

(4) When any owner of an abandoned water well in a control area or management area desires to replace the abandoned water well, he or she shall, prior to commencing construction, obtain a permit pursuant to the Nebraska Ground Water Management and Protection Act. The owner of the abandoned water well may immediately proceed to construct a replacement water well and pump water without obtaining a permit if the pump installed in the replacement water well has a column size which is not greater than the pump formerly used in the abandoned water well. Following completion of the replacement water well, notice of such completion shall be given in the manner provided by subsection (3) of this section.

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

(3) For purposes of this section, replacement water well means a water well which (a) replaces an abandoned water well within three years of the last operation of the abandoned water well and (b) is constructed to provide water to the same tract of land as the abandoned water well being replaced.

(6) (4) For purposes of water well registration under this section, registration fees shall be collected as provided in sections 46-606 and 46-1224.

Sec. 2. Section 46-659, Revised Statutes Supplement, 1994, is amended to read:

46-659. (1) Any person who intends to construct a water well, except test holes, dewatering wells with intended use of ninety days or less, and water wells which are designed and constructed to pump fifty gallons per minute or less, in a control area or management area in this state on land which he or she owns or controls shall, before commencing construction, file with the district in which the water well will be located an application for a permit on forms provided by the district, except that (a) no permit shall be required for test holes or dewatering wells with an intended use of ninety days or less, (b) no permit shall be required for water wells designed and constructed to pump fifty gallons per minute or less, and (c) a district may provide by rule and regulation that a permit need not be obtained for water wells defined by the district to be replacement water wells. Forms shall be made available at each district in which a control area or management area is located, in whole or in part, and at such other places as may be deemed appropriate. The district shall review such application and issue or deny the permit within thirty days after the application is filed.

(2) The application shall be accompanied by a seventeen-dollar-and-fifty-cent filing fee payable to the district, except as provided in subsection (8) of section 46-666, and shall contain (a) the name and post office address of the applicant or applicants, (b) the nature of the proposed use, (c) the intended location of the proposed water well or other means of obtaining ground water, (d) the intended size, type, and description of the proposed water well and the estimated depth, if known, (e) the estimated capacity in gallons per minute, (f) the acreage and location by legal description of the land involved if the water is to be used for irrigation, (g) a description of the proposed use if other than for irrigation purposes, and (h) the registration number of the water well being replaced if applicable, and (i) such other information as the district requires. Before any water well having a capacity of less than one hundred gallons per minute is modified to withdraw ground water at a rate equal to or greater than one hundred gallons per minute, an application shall be filed for a permit pursuant to this section before water is so withdrawn.

(3) Any person who has failed or in the future fails to obtain a permit required by subsection (1) of this section shall make application for a late permit on forms provided by the district.

(4) The application for a late permit shall be accompanied by a

two-hundred-fifty-dollar fee payable to the district, except as provided in subsection (8) of section 46-666, and shall contain the same information required in subsection (2) of this section.

Sec. 3. Original sections 46-602 and 46-659, Revised Statutes Supplement, 1994, are repealed.