

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF RULEMAKING HEARINGS

NOTICE IS HEREBY GIVEN THAT THE State of Nebraska, Department of Natural Resources (“Department”), will hold public rule-making hearings pursuant to *Neb. Rev. Stat.* § 84-907. The hearings will be held hourly beginning at 9:00 a.m. on Tuesday, September 29, 2020, in Room C on the lower level of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

The purpose of the hearings is to take public comments concerning adoption of the Department’s repeals to the following rules: *Neb. Admin. Code Title 454* entitled “Rules of Practice and Procedure,” *Title 456* entitled “Ground Water Rules,” *Title 457* entitled “Surface Water Rules,” and *Title 460* entitled “Rules Governing the Water Resources Trust Fund.” A brief description of the proposed repeals to the rules and their hearing times are as follows:

9:00 a.m. - Title 454: Chapter 8, repeals notice requirements for Reclamation District hearings because they are redundant to statutory requirements; Chapter 12, repeals map requirement details for formation of new Irrigation Districts because they are redundant to statutory requirements; Chapter 14, repeals public records availability requirements because they are redundant to statutory requirements.

10:00 a.m. - Title 456: Chapter 3, repeals requirement for notification of change of well ownership because it is redundant to statutory requirements; Chapter 7, repeals notice requirements for industrial groundwater transfers that are redundant to statutory requirements; Chapter 8, repeals petition requirements for requesting an administrative review or contest of an industrial groundwater transfer because these requirements are covered in Department rules, *Title 454*; Chapter 9, repeals requirements for filing a notice of well abandonment with the Department because they are redundant to statutory requirements; Chapter 10, repeals requirements for submitting a Natural Resources District’s Groundwater Control Area rules to the Department because these requirements are no longer necessary as a result of L.B. 108, 94<sup>th</sup> Leg., Second Reg. Sess. (Neb. 1996).

11:00 a.m. - Title 457: Chapter 20, repeals requirements for a temporary surface water use permit to be issued by the Department because they are redundant to statutory requirements.

1:00 p.m. - Title 460: repeal in entirety due to obsolete 2004 requirements for participation in certain U.S.D.A. programs for use of the Water Resources Trust Fund; repeal does not change availability of funds and the Department will rely upon existing statutory requirements solely for administration of the Fund.

The proposed rules as repealed are available at the offices of the Secretary of State, Regulations/Licensing Division, Room 1305, State Capitol, Lincoln, Nebraska 68509, and on the Department's website at <http://dnr.nebraska.gov/rules>. The description of the fiscal and other impacts may be inspected and obtained at the Department of Natural Resources, 4<sup>th</sup> Floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. There will be no fiscal impact from the changes.

All interested persons are invited to attend and make oral or written comments at the hearings. Interested persons may also submit written comments prior to the hearings which will be made part of the hearing record at the time of hearing if received by the Department of Natural Resources on or before Monday, September 28, 2020. If auxiliary aids or reasonable accommodations are needed to participate in the hearing or if hearing impaired, please call Ron Theis at (402) 471-0577 by Tuesday, September 22, 2020.

Date: August 24, 2020



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Jesse Bradley, P.G., Interim Director  
Department of Natural Resources

## FISCAL IMPACT STATEMENT

Agency: Department of Natural Resources	
Title: 454	Prepared by: Susan France
Chapter: 8	Date prepared: May 26, 2019
Subject: Rules of Practice and Procedure -- Reclamation Districts	Telephone: (402) 471-1684

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	( )	( )	( )
Decreased Costs	( )	( )	( )
Increased Revenue	( )	( )	( )
Decreased Revenue	( )	( )	( )
Indeterminable	( )	( )	( )

Provide an Estimated Cost & Description of Impact:

State Agency: None

Political  
Subdivision: None

Regulated  
Public: None

If indeterminable, explain why:

## FISCAL IMPACT STATEMENT

Agency: Department of Natural Resources	
Title: 454	Prepared by: Susan France
Chapter: 12	Date prepared: May 26, 2019
Subject: Rules of Practice and Procedure – Irrigation Districts	Telephone: (402) 471-1684

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	( )	( )	( )
Decreased Costs	( )	( )	( )
Increased Revenue	( )	( )	( )
Decreased Revenue	( )	( )	( )
Indeterminable	( )	( )	( )

Provide an Estimated Cost & Description of Impact:

State Agency: None

Political  
Subdivision: None

Regulated  
Public: None

If indeterminable, explain why:

## FISCAL IMPACT STATEMENT

Agency: Department of Natural Resources	
Title: 454	Prepared by: Susan France
Chapter: 14	Date prepared: May 26, 2019
Subject: Rules of Practice and Procedure – Public Records Availability	Telephone: (402) 471-1684

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	( )	( )	( )
Decreased Costs	( )	( )	( )
Increased Revenue	( )	( )	( )
Decreased Revenue	( )	( )	( )
Indeterminable	( )	( )	( )

Provide an Estimated Cost & Description of Impact:

State Agency: None

Political  
Subdivision: None

Regulated  
Public: None

If indeterminable, explain why:

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

~~RULES OF PRACTICE AND PROCEDURE~~

CHAPTER 8 - ~~RECLAMATION DISTRICTS(Repealed)~~

~~001. NOTICE OF HEARING. The Director or Director's designee shall prepare a notice setting forth the time and place of the hearing. As a minimum standard the notice shall be published once a week for three consecutive weeks in a newspaper of general circulation in the counties having territory within the proposed district. The last notice shall be published no later than ten days prior to the hearing.~~

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

CHAPTER 8 - (Repealed)

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

~~RULES OF PRACTICE AND PROCEDURE~~

CHAPTER 12 – ~~IRRIGATION DISTRICTS~~(Repealed)

~~001. MAPS.~~ Irrigation Districts shall provide maps to the Department showing district boundaries as follows:

~~001.01.~~ When filing a petition for formation of an irrigation district, the map shall be submitted as described in Neb. Rev. Stat. § 46-104. The map shall be made with black ink on mylar or tracing cloth; shall be neat, legible; and the map dimensions shall not exceed 22 inches by 27 inches. The name of the proposed district shall be printed on the front page of the map. Each page of the map shall be numbered consecutively showing the total number of pages (Page 1 of \_\_\_\_, Page 2 of \_\_\_\_). Sections shall be divided into 40-acre government subdivisions.



NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

CHAPTER 12 – (Repealed)

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

~~RULES OF PRACTICE AND PROCEDURE~~

CHAPTER 14 – ~~PUBLIC RECORDS AVAILABILITY~~(Repealed)

~~001. Any person may examine public records maintained by the Department during the Department's business hours, make memoranda or abstracts from such records, or copies of such records, upon written request to the records manager of the Department for an appointment to view such records at its Lincoln office.~~

~~— 001.01. The request letter and its envelope should be marked "Records Request" and include the name, mailing address, and day time telephone number in the event the Department needs to contact the person.~~

~~— 001.02. The request should reasonably describe the records being sought and, whenever possible, include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. The Department does not conduct research to determine what records to provide.~~

~~— 001.03. If the request does not sufficiently describe the records to allow the Department to locate them, the Department may require additional information be provided.~~

~~001.04. A written request for copies of records shall be considered an agreement that the person requesting the copies will pay all applicable fees up to fifty dollars (\$50). Copies, the cost of which are anticipated to exceed fifty dollars, are subject to 003.02.~~

~~— 001.05. Records shall not be removed from the Department premises.~~

~~001.06. The Department will not provide copies of materials that are subject to copyright law.~~

~~002. Upon receipt of a written request for access to or copies of a public record, the Department will provide the requested record(s) for examination or copies as soon as practicable but no later than four business days after the written request is received except as provided in 002.01.~~

~~002.01. If the entire request cannot reasonably be fulfilled within four business days due to the significant difficulty or extensiveness of the request, the Department will notify the requestor in writing of the reasons for the delay, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requestor to modify or prioritize the items within the request.~~

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

CHAPTER 14 – (Repealed)