

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.

## FISCAL IMPACT STATEMENT

Agency: Department of Natural Resources	
Title: 457	Prepared by: Susan France
Chapter: 20	Date prepared: August 19, 2019
Subject: Rules for Surface Water Temporary Use Permits	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 457 - DEPARTMENT OF NATURAL RESOURCES

~~RULES FOR SURFACE WATER~~

Chapter ~~HAPTER~~ 20 - ~~TEMPORARY USE PERMITS~~ (Repealed)

~~001 WHEN ISSUED. Temporary use permits may be issued when surface water supplies are needed for a limited time. The permit does not grant access to the surface water source and does not provide a permanent water right.~~

~~002 APPLICATION. The application form and the fee shall be the same as that used when applying for an appropriation.~~

~~003 EXPIRATION. A temporary permit will expire one year from the date the permit was issued and may be dismissed prior to that date at the request of the applicant.~~

~~004 ADMINISTRATION. Water supplies shall be allocated to temporary permits in the same manner as appropriations during times of shortage.~~

~~EFFECTIVE DATE: April 30, 2005~~

NEBRASKA ADMINISTRATIVE CODE

TITLE 457 - DEPARTMENT OF NATURAL RESOURCES

CHAPTER 20 - (Repealed)