

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF RULEMAKING HEARING

NOTICE IS HEREBY GIVEN THAT THE State of Nebraska, Department of Natural Resources ("Department"), will hold a public rulemaking hearing pursuant to *Neb. Rev. Stat.* § 84-907. The hearing will be held beginning at 10:00 a.m. on Monday, August 2, 2021, in Conference Room C on the lower level of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

The purpose of the hearing is to take public comments concerning adoption of the Department's proposed amendments to Chapters 1, 4, 5, 6, 11, and 12 of *Title 456* entitled "Ground Water Rules" A brief description of the proposed amendments to the rules are as follows:

Chapter 1 amends some definitions to improve consistency of well spacing and well permitting terms for the general public.

Chapter 4 amendments allow applications for Industrial Ground Water Permits to be made electronically and standardizes hearing requirements.

Chapter 5 amendments conditionally allow electronic applications for Geothermal Resources Development Permits and clarifies required coordination with Department of Environment and Energy.

Chapter 6 amendments conditionally allow electronic applications for Permit to Transfer Ground Water to an Adjoining State and provides for requirements enumerated in the Department's forms.

Chapter 11 amendments clarify submissions of Ground Water Management Plans to the Department by natural resources districts pursuant to *Neb. Rev. Stat.* § 46-711.

Chapter 12 amendments update procedures for Water Well Registrations and Modifications to incorporate easier processes for consumers.

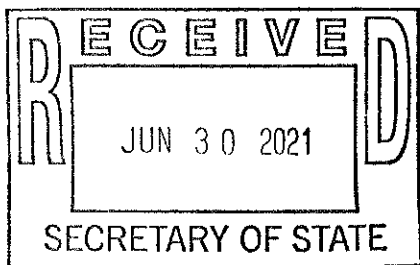
The proposed rule amendments are available at the offices of the Secretary of State, Regulations/Licensing Division, Room 1305, State Capitol, Lincoln, Nebraska 68509, and on the Department's website at <http://dnr.nebraska.gov/rules>. The description of the fiscal and other impacts may be inspected and obtained at the Department of Natural Resources, Lower Level, 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 July 30, 2021. 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 July 30, 2021.

Date: July 1, 2021



Thomas E. Riley, P.E., Director
Department of Natural Resources



FISCAL IMPACT STATEMENT

Agency: Department of Natural Resources	
Title: 456	Prepared by: Ron Theis
Chapter: 1, 4, 5, 6, 11, 12	Date prepared: November 18, 2020
Subject: Rules for Ground Water	Telephone: (402) 471-0577

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:

~~STATE OF NEBRASKA~~
~~DEPARTMENT OF NATURAL RESOURCES~~

~~RULES FOR GROUND WATER~~

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TITLE 456 - ~~DEPARTMENT OF WATER~~ NATURAL RESOURCES
RULES FOR GROUND WATER

ALPHABETICAL TABLE OF CONTENTS

<u>SUBJECT OF TITLE</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Change of Ownership of Registered Wells <u>Repealed</u>	§ 46-209 § 46-602 § 84-90.9(1)	003
Contested Industrial Ground Water Transfers <u>Repealed</u>	§ 46-209	008
Control Area Rules <u>Repealed</u>	§ 46-670 § 46-66.6(3)	010
Definitions	§ 46-209 <u>601.01</u> § 46-706(25) § 46-1207.02 § 61-206	001
Geothermal Resource Development Permit	§ 46-209 <u>661-2096</u> § 66-1,101 § 66-1,105	005
Ground Water Management Plan	§ 46-670 <u>711</u> § 46-673.03 <u>§ 61-206</u>	011
Ground Water Well Registrations	§ 46-602 <u>1207.02</u> § 46-1207.02 <u>61-206</u>	012
Industrial Ground Water Permit	§ 46-209 <u>661-206</u> § 46-680 § 46-688	004
Industrial Ground Water Transfer Notice <u>Repealed</u>	§ 46-209	007
Notice of Abandonment <u>Repealed</u>	§ 46-209	009
Permit to Transfer Ground Water to Adjoining State	§ 46-209 <u>613.01</u> § 46-613.01 § 84-909(1) <u>61-206</u>	006
Repealed		002 <u>003</u>

| Repealed

007-010

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<u>SUBJECT OF TITLE</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Definitions	§ 46-209	001
Repealed		002
Change of Ownership of Registered Wells	§ 46-209 § 46-602 § 84-909(1)	003
Industrial Ground Water Permit	§ 46-209 § 46-680 § 46-688	004
Geothermal Resource Development Permit	§ 46-209 § 66-1,101 § 66-1,105	005
Permit to Transfer Ground Water to — Adjoining State	§ 46-209 § 46-613.01 § 84-909(1)	006
Industrial Ground Water Transfer Notice	§ 46-209	007
Contested Industrial Ground Water Transfers	§ 46-209	008
Notice of Abandonment	§ 46-209	009
Control Area Rules	§ 46-670 § 46-666(3)	010
Ground Water Management Plan	§ 46-670 § 46-673.03	011
Ground Water Well Registrations	§ 46-602 § 46-1207.02	012

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~~LAST ISSUE DATE: May 1994~~

TITLE 456 - ~~DEPARTMENT OF WATER~~ NATURAL RESOURCES
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CHAPTER 1 - DEFINITIONS

001. DEPARTMENT. The Department of ~~Water~~ Natural Resources.

002. DOMESTIC WATER WELL. A well that provides ground water required for human needs as it relates to health, fire control, and sanitation or for domestic livestock as related to normal farm and ranch operations, or for irrigation of lands not exceeding a total of two acres in area, ~~and the water use is of a domestic and non-commercial nature. The domestic water well must be constructed to potable well drinking water standards according to applicable statutes and rules for water well construction.~~

003. GEOTHERMAL WATER WELL. A well from which water is withdrawn for purposes of using the geothermal properties of the water. The temperature of the water must be greater than or equal to the mean annual air temperature at the location of the well plus 18° Fahrenheit plus (0.0137°F times depth of well measured in feet). Heat pump wells ~~which-that~~ use ground water with temperatures at or below the normal gradient do not fall under the definition of permit requirements for geothermal resource development.

004. INACTIVE STATUS WATER WELL. A ~~water well that is a good state of repair and for which the owner has provided evidence of intent for future use by maintaining the water well as provided by § 46-1207.02 that meets the definition in Neb. Rev. Stat. § 46-1207.02.~~

005. INDUSTRIAL WATER WELL. A well that provides ground water for manufacturing, commercial, and power generation purposes. Commercial use shall include, but not be limited to, maintenance of golf course turf.

006. INJECTION WATER WELL. A well used for injecting water into the underground water reservoir. Not included are wells used for inserting media to repressure oil or natural gas bearing formations regulated by the Nebraska Oil and Gas Conservation Commission.

007. IRRIGATION WATER WELL. A well that provides water for purposes of irrigating more than two acres of crops and other plants.

008. MONITORING WATER WELL. A ~~well well from which water is withdrawn for purposes of monitoring the possible presence of contaminants that meets the definition in Neb. Rev. Stat. § 46-706(25).~~

009. OBSERVATION WATER WELL. A well used for purposes of monitoring static water levels.

010. PUBLIC WATER SUPPLY WELL (SPACING PROTECTED). A well owned and operated by a city, village, municipal corporation, metropolitan utilities district, reclamation district, or sanitary improvement district that provides water to the public fit for human consumption through at least 15 service connections, or regularly serves at least 25 individuals.

011. PUBLIC WATER SUPPLY WELL (SPACING UNPROTECTED). A well not owned ~~or and~~ operated by a city, village, municipal corporation, metropolitan utilities district, reclamation district, or sanitary improvement district that provides water to the public ~~water~~ fit for human consumption through at least 15 service connections or regularly serves at least 25 individuals.

012. TEST HOLE. A hHole designed to obtain information on hydrogeologic conditions.

ANNOTATION

ENABLING LEGISLATION: ~~Neb. Rev. Stat. Section~~§ 46-209, R.R.S., Nebraska, 1943
~~Neb. Rev. Stat § 46-601.01~~

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CHAPTER ~~S 2 - 3~~ - ~~REPEALED(Repealed)~~

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~~TITLE 456 — DEPARTMENT OF WATER RESOURCES~~

~~CHAPTER 3 — CHANGE OF OWNERSHIP OF REGISTERED WELLS (Repealed)~~

~~001. NOTIFICATION. The Department shall be notified in writing of any change in the ownership of any registered well by the new owner of the well.~~

ANNOTATION

~~ENABLING LEGISLATION: Section 46-209, R.R.S., Nebraska, 1943~~

~~Section 46-602, R.R.S., Nebraska, 1943~~

~~Section 84-909(1), R.R.S., Nebraska, 1943~~

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TITLE 456 - ~~DEPARTMENT OF WATER NATURAL RESOURCES~~ RULES FOR GROUND WATER

CHAPTER 4 – INDUSTRIAL GROUND WATER PERMIT

001. APPLICATION. All information ~~shall required under Neb. Rev. Stat. § 46-678 must~~ be compiled and submitted in loose-leaf binder(s) with maximum dimensions of 11 inches by 11 inches by 4 inches. Maps, plans and drawings must be of a size sufficient to clearly depict the subject matter, but must be folded to dimensions not to exceed 11 inches by 11 inches. The review area for each application ~~shall must~~ be a minimum one-mile radius (aerial extent) around the well site. If the applicant desires to submit its application in an electronic format and/or in dimensions other than described previously it may do so only if granted permission by the Department in advance. The application ~~shall must~~ consist of ~~the following items~~ all items requested on the application form provided by the Department. The form may be found on the Department's website and in the Department's offices.

001.01. Completed application form.

001.02. Hydrologic Evaluation Report. The hydrologic evaluation shall include but not be limited to:

001.02(A). A detailed description of each well proposed to be included under this permit. The description shall include the intended depth, screen and casing size, pump capacity, description of location, applicable well registration numbers, control and management area permit numbers.

001.02(B). A narrative evaluating the geologic and hydrologic conditions of the well site and review area.

001.02(C). Proposed operating data criteria.

001.02(D). A list of other relevant permits.

001.02(E). Well driller's logs from test holes and production wells and electric logs, if available, in tabular or graphical form.

001.02(F). Pumping test data, if available.

001.02(G). A table depicting proposed rates of withdrawal and anticipated drawdown in the project wells as a function of both time and distance from the project wells.

001.02(H). A narrative describing alternate sources of accessible surface and ground water and reasons for choosing the proposed source.

001.02(I). Maps, plans or drawings showing:

001.02(I)(i). Location of project wells and project facilities including pipelines, pumping stations, treatment plants, wastewater disposal sites or other facilities.

001.02(I)(ii). Location of use.

001.02(I)(iii). Location of other wells within the review area.

001.02(I)(iv). Location of surface water rights within the review area.

001.02(I)(v). A water table map.

001.02(I)(vi). The geologic structure of the review area.

001.02(I)(vii). Hydrologic conditions in the review area.

001.03. ECONOMIC ANALYSIS. The economic analysis shall include:

001.03(A). The economic benefit of the applicant's proposed use.

001.03(B). The economic benefits of existing uses of surface or ground water in the area of the applicant's proposed use and any transfer.

001.04. ENVIRONMENTAL IMPACT ANALYSIS. This analysis shall discuss the environmental impacts of the project.

001.05. SOCIAL IMPACT ANALYSIS. This analysis shall discuss the possible social benefits and detriments of the project.

002. CORRECTION. An application that is incomplete or incorrect shall be returned to the applicant for correction. Failure to return the corrected application within the time limit specified shall cause the application to be dismissed.

~~003. NOTICE OF HEARING. As a minimum standard, the Notice of Hearing shall include a description of the amount of water requested, the location of the wells, the proposed use of water, and the location of use. The Notice of Hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation in each county within the area of review and a newspaper of general circulation in Nebraska. The Notice shall state that any person may file a written request to be made a party to the hearing within two weeks from the date of final publication of the Notice.~~

~~004003. HEARING. The Any hearing under Neb. Rev. Stat. § 46-680(2) will be conducted according to the Department's Rules of Practice and Procedure, Title 454 and Neb. Rev. Stat. § 46-20961-206, R.R.S., 1943, as amended.~~

~~005. DECISION. Following the hearing, the Director shall issue a written order. A copy of the order shall be delivered or mailed to all parties of record.~~

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006. APPEAL. Parties to the hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 11 or may appeal to the district court as described in § 84-917.

ANNOTATION

ENABLING LEGISLATION: Section Neb. Rev. Stat. § 46-209206, R.R.S., Nebraska, 1943
Section Neb. Rev. Stat. § 46-688, R.R.S., Nebraska, 1943

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CHAPTER 5 – GEOTHERMAL RESOURCE DEVELOPMENT PERMIT

001. PLANS. Plans submitted shall meet the following minimum standards:

001.01. Plans ~~shall-may~~ be made on sheets with minimum dimensions of 21 inches by 30 inches or maximum dimensions of 24 inches by 36 inches. Drawings ~~shall-must~~ be of such clarity and with distinct characters of such size as to retain clarity and resolution when reduced to one-half size. Characters and significant figures should not be smaller than one-eighth inch on the original plan. If the applicant desires to submit its plans in an electronic format and/or in dimensions other than described previously in this paragraph, it may do so only if granted permission by the Department in advance.

001.02. ~~As a minimum, p~~Plans ~~shall-must~~ include a detailed description of each proposed well, setting forth the intended depth, screen type and casing size, and pump capacity. All pipelines, pumping stations, treatment plants, location of use, location of injection wells or discharge, and other facilities ~~shall-must~~ be depicted.

001.03. Plans ~~shall-must~~ also include a summary of geologic and hydrologic data.

002. CONFERENCE. The applicant or a representative ~~shall-must~~ attend a conference with the Department and the Department of Environmental ~~Quality and Energy~~. At this conference the permit requirements under the Nebraska Environmental Protection Act will be determined, as well as the scope of any studies ~~which-that~~ may be required to support the permit application.

003. NOTICE. If the Director determines a hearing is necessary, the Notice of Hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation in the county or counties where the system will be located. The last notice ~~shall-will~~ be published no later than ten days prior to the hearing.

004. DECISION. After the conclusion of a hearing, or based upon the application, the Director ~~shall-will~~ issue a written order. A copy of the order ~~shall-will~~ be delivered or mailed to all parties of record.

005. APPEAL. Parties to a hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, ~~Chapter 11~~ or may appeal to the Court of Appeals. If a decision was entered without a hearing, parties may request a hearing as described in the Department's Rules of Practice and Procedure, Title 454, ~~Chapter 9~~.

ANNOTATION

~~ENABLING LEGISLATION:~~ ~~Section Neb. Rev. Stat. § 46-209206, R.R.S., Nebraska, 1943~~
~~Section 66-1101, R.S. SUPP., Nebraska, 1982~~
~~Section 66-1105, R.S. SUPP., Nebraska, 1982~~

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CHAPTER 6 – PERMIT TO TRANSFER GROUND WATER TO ADJOINING STATE

001. REQUIREMENTS. The application ~~shall~~must be on a form provided by the Department. The application must ~~be accompanied by the following additional information:~~consist of all items requested on the application form provided by the Department. The form may be found on the Department's website and in the Department's offices. If the applicant desires to submit its plans in an electronic format and/or in dimensions other than described previously in this paragraph, it may do so only if granted permission by the Department in advance.

~~001.01.~~ A map showing the location of the proposed well(s), the pipeline(s) or other means of transporting water, project facilities and location of use. The map must be neat, legible and on 8 ½ inch by 11 inch paper or folded to that size. It is suggested that the base map be a copy of a U.S.G.S. Quadrangle map. The map must show section lines, the state line, and be drawn to scale.

~~001.02.~~ Information on the possible negative effects of the proposed withdrawal on ground water and surface water supplies in the area. This information shall include, but is not limited to:

————— ~~001.02(A).~~ A proposed operating schedule.

~~001.02(B).~~ A map showing the location of all ground water wells (including domestic) within a one-mile radius of the proposed well site.

~~001.02(C).~~ A detailed description of each well proposed to be included under this permit. The description shall include the intended depth, screen and casing size, pump capacity, description of location, applicable well registration numbers, control and management area permit numbers.

~~001.02(D).~~ A narrative evaluating the geologic and hydrologic conditions of the well site and area within a one-mile radius.

~~001.02(E).~~ Well driller's logs from test holes and production wells and electric logs, if available, in tabular or graphical form.

————— ~~001.02(F).~~ Pumping test data, if available.

————— ~~001.02(G).~~ Map showing location of surface water rights within a one-mile radius.

002. REVIEW. Additional information, consultation, maps or technical reports may be required after review of initial application. An application that is incomplete or incorrect ~~shall~~will be returned to the applicant for correction. Failure to return the corrected application within the time limit specified ~~shall~~may cause the application to be dismissed.

003. MODIFICATION. A permit granted pursuant to Neb. Rev. Stat. § 46-613.01 ~~shall~~may be revoked, following a hearing, if the Department determines that the permitholder has failed to exercise the right to withdraw ground water within three years of the date the permit was approved, or for a period of three consecutive years thereafter. Permits may not be modified to include additional amounts of withdrawal or additional wells-. N~~new~~ permits will be required for ~~the additions~~such modifications.

ANNOTATION

ENABLING LEGISLATION: ~~Section Neb. Rev. Stat. § 46-209~~206, R.R.S., Nebraska, 1943
~~Section Neb. Rev. Stat. § 46-613.01~~, R.R.S., Nebraska, 1943
~~Section Neb. Rev. Stat. § 84-909(1)~~, R.R.S., Nebraska, 1943

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CHAPTER ~~S~~ 7 - 10 ~~—INDUSTRIAL GROUND-WATER TRANSFER NOTICE (Repealed)~~

~~001. NOTICE.~~ The notice submitted to the Department of Water Resources shall be an original, signed typewritten document in the format described in Appendix B. This notice shall be submitted to the Department with the \$10.00 filing fee required by § 33-105(8), R.R.S., 1943, as amended. A copy of this same notice shall be sent by the owner or leasee of the well to a newspaper of general circulation in the county or counties in which the point(s) of withdrawal are located. Following publication as required by § 46-678, the owner or leasee shall submit a proof of publication to the Department of Water Resources.

ANNOTATION

~~ENABLING LEGISLATION: Section 46-209, R.R.S., Nebraska, 1943, LB-789~~
~~—Section 46-677, R.R.S., Nebraska, 1943, LB-789~~

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~~CHAPTER 8 — CONTESTED INDUSTRIAL GROUND WATER TRANSFERS (Repealed)~~

~~001. PETITION.~~ Any person using ground water at the time a notice to transfer ground water for industrial purposes is filed in the Department, may petition the Director for a hearing if the person's ground water wells suffer an unanticipated decline in ground water levels after the date the notice is filed. The petition shall be in the format shown in Appendix A, and shall be accompanied by the appropriate filing fee. The petition shall include, but is not limited to the following:

~~— 001.01. The name, mailing address, and telephone number of the petitioner.~~

~~001.02. The ground water well registration number(s) (if applicable) of all wells owned by petitioner that experienced a decline.~~

~~— 001.03. The legal description of each ground water well that has experienced a decline.~~

~~001.04. The name and mailing address of the industrial ground water well owner accused of causing the decline.~~

~~001.05. The legal description of the industrial ground water well(s) expected of causing the decline.~~

~~— 001.06. The registration number of the ground water wells expected of causing the decline.~~

~~— 001.07. The alleged cause and extent of the ground water decline.~~

~~— 001.08. The nature and extent of any injuries resulting from the decline.~~

~~002. SERVICE.~~ A copy of the petition shall be served by the petitioner upon the industrial well user. Such service shall be by registered or certified mail. Failure to provide service shall cause the petition to be dismissed without prejudice.

~~003. HEARING.~~ The hearing shall be conducted in accordance with the Department's Rules of Practice and Procedure, Title 454, and the Administrative Procedures Act.

~~004. DECISION.~~ After the conclusion of the hearing, the Director shall issue a written order. A copy of the order shall be delivered or mailed to all parties of record.

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~~005. APPEAL. Parties to the hearing may request a rehearing as described in the Department's Rules of Practice and Procedure, Title 454, Chapter 11 or may appeal to the Court of Appeals.~~

ANNOTATION

~~ENABLING LEGISLATION: Section 46-209, R.R.S., Nebraska, 1943~~
~~_____ LB 789~~

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~~CHAPTER 9 — NOTICE OF ABANDONMENT (Repealed)~~

~~001. REQUIREMENTS. Notice of abandonment shall include:~~

~~— 001.01. Registration number of abandoned well.~~

~~001.02. Location — including 40-acre government subdivision, section, township, range and county.~~

~~— 001.03. Present owner and address.~~

~~— 001.04. Diameter of pump column removed from well being abandoned.~~

~~— 001.05. Explanation of abandonment procedures used.~~

~~— 001.06. Date of abandonment.~~

ANNOTATION

~~ENABLING LEGISLATION: — Section 46-209, R.R.S., Nebraska, 1943
— Section 46-602, R.R.S., Nebraska, 1943~~

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~~CHAPTER 10 — CONTROL AREA RULES (Repealed)~~

~~001. Natural resources districts shall submit proposed control area rules in the following manner:~~

~~001.01. All rules shall be typewritten on 8½-inch by 11-inch white paper. The top margin on all sheets shall be at least 1½ inches at the top and at least one inch on the sides and bottom.~~

~~001.02. All proposed new rules or amendments to existing rules shall be shown by underscoring new rules or words and striking by use of a hyphen (-) all words that are to be deleted.~~

~~001.03. When proposing new sections of existing rules or amendments to any section of existing rules, the natural resources district shall submit a complete set of rules showing proposed changes as described in paragraph 001.04 above.~~

~~002. After approval of the proposed rules or amendments, the natural resources district shall file within 60 days a "clean" set of rules in the Department with the changes approved incorporated in the document.~~

ANNOTATION

~~ENABLING LEGISLATION: Section 46-670, R.R.S., Nebraska, 1943
— Section 46-666(3), R.R.S., Nebraska, 1943~~

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CHAPTER 11 – GROUND WATER MANAGEMENT PLANS

~~001. Natural resources districts shall submit proposed ground water management plans in the following manner:~~

~~001.01. Use three ring, loose leaf notebooks. Notebooks should be of the type that allow for labelling on the side or front.~~

~~001.02. Use labelled, tabbed dividers between sections.~~

~~001.03. When providing plans or modifications to the Department of Water Resources for approval, provide enough copies for the following agencies:~~

- ~~1 Department of Water Resources~~
- ~~1 Department of Health~~
- ~~1 Department of Environmental Quality~~
- ~~1 Conservation and Survey Division~~
- ~~1 Game and Parks Commission~~
- ~~1 Natural Resources Commission~~
- ~~1 To be returned to NRD stamped, if approved~~

~~7 TOTAL~~

~~001.04. All pages are to be numbered consecutively or by chapter (Example: 1-1000 or A-1, B-1).~~

~~001.05. Complete table of contents and indexes must be provided.~~

~~001.06. When submitting modifications, if changes cause need for additional pages, additional pages shall be identified by letters following the page number (Example: 1, 2, 3, 3a, 3b, or A-1, A-2, A-3, A-3a).~~

~~001.07. When submitting modifications, include a letter describing what modifications were made and all pages where modifications occur.~~

001. REQUIREMENTS. Pursuant to Neb. Rev. Stat. § 46-711, natural resources districts (NRDs) must submit new or proposed modifications of their ground water management plans to the Department for review in the following manner:

001.01. On an electronic file device as a word document and pdf, or

001.02. Via email attached as a word document and pdf and addressed to DNR.legalfile@nebraska.gov, or

001.03. On paper clearly printed, including extra copies printed for the following agencies that the Department may be required to consult:

Department of Health and Human Services
Department of Environment and Energy
University of Nebraska, Conservation and Survey Division
Game and Parks Commission

001.04. Submittals must be received by the Department not less than 120 days prior to any hearing scheduled under Neb. Rev. Stat. § 46-712.

001.05. Submittals must contain a descriptive listing of, and provide if requested, all public comments, all research, data, studies or any other information that the NRD utilized pursuant to Neb. Rev. Stat. § 46-710 during the preparation or modification of the plan.

001.06. When submitting a modification to an existing plan, the changes added must be shown in red text or be underlined, and deleted portions must be shown in strike-out text.

001.07. Submittals must include a cover letter stating the NRD's intent to make the changes and a brief summary of the substantive changes.

001.08. Within 60 days after the hearing under Neb. Rev. Stat. § 46-712, the NRD must submit to the Department the final approved ground water management plan document in the format described above in 001.01 to 001.03.

ANNOTATION

ENABLING LEGISLATION: ~~Section Neb. Rev. Stat. §§ 46-670711 and 46-748, R.R.S.,~~
~~Nebraska, 1943~~

~~Section 46-673.03, R.R.S., Nebraska, 1943~~

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CHAPTER 12 – GROUND WATER WELL REGISTRATIONS

001. The Department will register ground water wells intended as production wells but in which the pump has not yet been installed as inactive status water wells. Such wells must be maintained in accordance with Neb. Rev. Stat. § 46-1207.02. To register a well as an inactive status water well the water well owner and/or water well contractor shall must provide on the registration form the intended water well capacity for purposes of determining registration fees. The water well owner shall must also state an estimated date when the pump will be installed.

001.01. When a pump is installed in an inactive, registered water well, the water well owner and pump installation contractor shall must, within 30 days, complete a Water Well Registration Pump Installation Update form. ~~Such form will be~~ "Water Well Registration Pump Installation and Construction Modification" form for contractors, or "Water Well Registration Modification" form for owners, provided by the Department on its website or in Department offices. ~~This form shall consist of the water well owner's name, address, and signature; the water well registration number; the pump installer's name, address, license number, and signature; the legal description of the well; pump and pump column information; pumping water level; rate and amount of time pumped, and yield of water well in gallons per minute.~~

002. Water well registration and pump installation information must be updated by the water well owner on the "Water Well Registration Modification" form, or by licensed water well professionals on the "Water Well Registration Pump Installation and Construction Modification" form and submitted to the Department when:

002.01. The original information provided is determined to be inaccurate or incomplete.

002.02. The water well is modified in any substantial way making the original information inaccurate in its description of the water well.

~~This information shall be submitted to the Department in writing.~~

003. ~~The Department must be notified of any change in the ownership of any registered well by the new owner of the well filing in the Department a "Notice of Change of Ownership/Water Resources Update Notice" form. The form is provided by the Department on its website or in Department offices.~~

ANNOTATION

~~ENABLING LEGISLATION: Section Neb. Rev. Stat. § 46-602, R.R.S., Nebraska, 1943
Section Neb. Rev. Stat. § 46-1207.02, R.R.S., Nebraska, 1943~~

APPENDIX A: Example of Petition

BEFORE THE DEPARTMENT OF WATER RESOURCES
STATE OF NEBRASKA

In the Matter of _____)
_____) PETITION FOR
(Give Description) _____)
_____)

_____ Comes now _____, petitioner and
states:

1. _____

2. _____

3. _____

Wherefore, the undersigned respectfully requests that the Department

(State action you wish taken)

(Signature of Petitioner)