



Section 1  
Section 46-609

46-609

Irrigation water wells; spacing; requirements; exceptions.

(1) Except as otherwise provided by this section or by section 46-610, no irrigation water well shall be drilled upon any land in this state within six hundred feet of any registered irrigation water well and no existing non-irrigation water well within six hundred feet of any registered irrigation water well shall be used for irrigation purposes. Such spacing requirement shall not apply to (a) any well used to irrigate two acres or less or (b) except (a) any water well the water from which is used solely for domestic, culinary, stock use on a ranch or farm, or the watering of lawns and gardens for family use or profit where the area to be irrigated does not exceed two acres, (b) as provided in section 46-610, and (c) that any replacement irrigation water well if it is drilled within fifty feet of which replaces an the irrigation water well being replaced and if the water well being replaced was drilled prior to September 20, 1957, and which is less than six hundred feet from a registered irrigation water well. shall be drilled within fifty feet of the old water well.

(2) The spacing protection of subsection (1) of this section shall apply to an unregistered water well for a period of sixty ~~thirty~~ days after completion of such water well.

Source:

Laws 1957, c. 201, § 2, p. 705; Laws 1972, LB 1238, § 1;  
Laws 1981, LB 146, § 3; Laws 1993, LB 131, § 8.

Section 2  
Section 46-613.02

46-613.02  
Violation; penalty; false information; enforcement.

Any person violating any provision of sections 46-601 to 46-613.01 or furnishing false information under such sections shall be guilty of a Class IV misdemeanor. ~~The Department of Natural Resources may enforce such sections by instituting proceedings, actions, and prosecutions.~~

Each day of violation may be considered a separate offense. The Attorney General and the County Attorney are authorized to pursue appropriate proceedings pursuant to this section when notified by the Director of Natural Resources that such a violation has occurred.

Source:  
Laws 1978, LB 688, § 1; Laws 1984, LB 1060, § 2;  
Laws 1993, LB 131, § 12; Laws 2000, LB 900, § 175.

Section 3  
Section 46-638

46-638

Terms, defined; permits to public water suppliers; director; powers.

(1) The Director of Natural Resources may grant and administer permits to public water suppliers: (a) To locate, develop, and maintain ground water supplies through water wells or other means and to transport water into the area to be served; and (b) to continue existing use of ground water and the transportation of ground water into the area served.

(2) For purposes of the Municipal and Rural Domestic Ground Water Transfers Permit Act and sections 46-651 to 46-655, (a) public water supplier shall mean ~~a city, village, municipal corporation, metropolitan utilities district, rural water district, natural resources district, irrigation district, reclamation district, or sanitary and improvement district which supplies or intends to supply water to inhabitants of cities, villages, or rural areas for domestic or municipal purposes and~~ an owner or operator of a public water supply system as defined in section 71-5301 and (b) water well shall have the same meaning as in section 46-601.01.

Source:

Laws 1963, c. 276, § 1, p. 829; Laws 1980, LB 643, § 2;  
Laws 1993, LB 131, § 18; Laws 2000, LB 900, § 177.

Cross Reference:

For additional definitions, see section 46-656.07.

Annotations:

Permittees under the Municipal and Rural Domestic Ground Water Transfers Permit Act are exonerated from the common-law prohibition against transfer and transportation of ground water. *Sorensen v. Lower Niobrara Nat. Resources Dist.*, 221 Neb. 180, 376 N.W.2d 539 (1985).

Director of Water Resources is authorized to grant and administer permits to cities and villages to develop ground water supplies. *Metropolitan Utilities Dist. v. Merritt Beach Co.*, 179 Neb. 783, 140 N.W.2d 626 (1966).

Section 4  
Section 46-651

46-651

Spacing of water wells; distance.

(1) Except as provided in section 46-653 or 46-654, (a) no irrigation or industrial water well or water well of any other public water supplier shall be drilled within one thousand feet of any registered water well of any public water supplier, (b) no water well of any such public water supplier shall be drilled within one thousand feet of any registered irrigation or industrial water well, (c) no irrigation water well shall be drilled within one thousand feet of a registered industrial water well, and (d) no industrial water well shall be drilled within one thousand feet of a registered irrigation or industrial water well. Such prohibitions shall not apply to water wells owned by the same person.

(2) An existing water well for which a change in the intended use is proposed shall be subject to any subsection (1) spacing requirement that would apply to the drilling of a new well at the same location for the new use intended.

- (32) The well-spacing protection of subsections (1) and (2) of this section shall apply to an unregistered water well for a period of only ~~thirty~~ sixty days following completion of such water well.

(4) The spacing requirements in subsection (1) of this section shall not apply to any replacement water well if that well is drilled within fifty feet of the water well being replaced and if the water well being replaced was drilled prior to the effective date of this act, was in compliance with any applicable spacing statute when drilled, and is less than one thousand feet from the registered water well for which spacing protection is provided.

Source:

Laws 1965, c. 270, § 1, p. 771; Laws 1979, LB 201, § 1;

Laws 1980, LB 643, § 6; Laws 1981, LB 246, § 2; Laws 1993, LB 131, § 21.

Section 5  
Section 46-653

46-653

Special permit to drill without regard to spacing; application; contents; fee.

Any person may apply to the Director of Natural Resources for a special permit to drill or change the intended use of a water well

without regard to the spacing requirements of section 46-651. Such application shall be on a form prescribed and furnished by the director and shall contain a statement of the precise location of the water well or proposed water well, facts justifying the request for such special permit, the size or proposed size of such water well, expressed in gallons per minute, to the extent that capacity is susceptible of advance determination, and, if applicable, the name of the person

who is actually going to drill the water well. A separate application shall be submitted for each water well for which a special permit is sought, and each application shall be accompanied by a fee of twelve dollars and fifty cents which shall be remitted to the State Treasurer for credit to the General Fund. When considering the approval or rejection of any such application, the director shall consider the facts offered as justification of the need for special permit, the known ground water supply, and such other pertinent information as may be available. Such application may be approved or disapproved in whole or in part and the special permit issued or refused accordingly.

Source:

Laws 1965, c. 270, § 3, p. 771; Laws 1993, LB 131, § 22;  
Laws 2000, LB 900, § 187.