



Dave Heineman  
Governor

# STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES  
Ann Bleed  
Acting Director

June 30, 2006

IN REPLY TO:

TO: Natural Resources Districts

FROM: Susan France *Susan France*

SUBJECT: Replacement Water Wells, Pump Installation and Modification Forms.

LB 508 and LB 1226 were passed by the Legislature and signed by the Governor and became effective July 14, 2006.

Among other things, LB 508 changes the definition and requirements for a replacement water well. Enclosed is a copy of the changes that were made to **Neb. Rev. Stat. § 46-602**. As of July 14, 2006, in order for a water well to be registered as a replacement water well, the registration must include one of the following:

1. The date the original water well was decommissioned (which must be a date prior to construction of the new replacement well.) **or**
2. A certification that the original water well will be:
  - a. Decommissioned within 180 days after construction of the new replacement well, **or**
  - b. Modified and equipped to pump 50 gallons per minute or less within 180 days of the completion of the new replacement water well, and will be used for livestock, monitoring, observation, or any other nonconsumptive or de minimus use approved by the applicable natural resources district.

If the original well is to be decommissioned, it cannot be used after construction of the new replacement water well. **IMPORTANT.** There is one exception to this and that is for municipal water wells. For municipal water wells, there is a one-year time frame to decommission the original water well. Municipal water wells can be used for one year after the completion of the replacement water well.

When registering a ground water well, the water well contractor can certify that the water well will be decommissioned or modified **only** if the water well contractor has a contract to complete the modification or decommissioning. The Department has revised the Water Well Registration form and included a place for the water well contractor to certify as requested. We realize, however, that the contractor constructing the new well may not always be contracted to modify

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or decommission the original water well. Therefore, the Department has implemented a new form for the water well owner to sign certifying that the decommissioning or modification will be completed within 180 days. This certification form can be completed and sent in to the Department with a paper registration, or can be mailed in by itself when the water well contractor submits an electronic registration. If the contractor is not contracted to do the modification and equipping of the original water well, than the certificate must be received from the well owner prior to registering the well.

As described above, there will be times when the original water well will be modified to a non-consumptive use or a de minimus use approved by the natural resources district. The Department has implemented another new form to obtain the signature of the natural resources district staff. This form also will need to be submitted to the Department before the replacement water well can be registered. The Department is looking at making this an electronic form and will let you know if we are successful. This form also can be used for approving an increase in the number of acres irrigated or allowing an old water well to be registered in those areas where there are moratoriums or stays.

LB 1226 changes the definition and requirements for notifying the Department of any pump installation or any modifications to the construction of the water well or pump, after the initial installation. As of July 14, 2006, the water well contractor or pump installation contractor shall notify the Department within sixty days of making the modifications. Owners also have only sixty days to notify the Department of any other changes or any inaccuracies in recorded water well information. The Department has revised its water well modification form. Now there is a separate form for owners and a separate form for contractors.

The Department's revised forms will be available on the Department's website ([dnr.ne.gov](http://dnr.ne.gov)) on July 14, 2006.

Copies of all the new forms are enclosed with this letter.

If you have any questions, contact me at (402) 471-0587 or [sfrance@dnr.state.ne.us](mailto:sfrance@dnr.state.ne.us).

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Enclosures