

SF email -
D. Smith
① New Wells
② Variance no:
replace. rather
than new.
4% Contract
③ ① res well
drillers to
free - NOT
NRA

Ann Diers

From: Ann Diers [adiers@dnr.state.ne.us]
Sent: Thursday, June 30, 2005 4:34 PM
To: 'Susan France'
Subject: RE: What do you think of this

Susan:

Looks good. I don't know whether "appropriate" or "respective" is the right word in the second to the last paragraph. You should delete the apostrophe from "contractor's" in the last paragraph.

I came across a note I had on well issues for Dan Smith. My note indicates Dan wanted well drillers to enforce on one of the issues, NOT the NRD. (Don't have enough of a note to know whether the issue the memo deals with is the one he wanted the well drillers to enforce, but it seems it could be).

Ann

-----Original Message-----

From: Susan France [mailto:sfrance@dnr.state.ne.us]
Sent: Thursday, June 30, 2005 3:20 PM
To: Ann Diers; Ann Bleed
Subject: What do you think of this

Ann Diers

From: Susan France [sfrance@dnr.state.ne.us]
Sent: Thursday, June 30, 2005 3:20 PM
To: Ann Diers; Ann Bleed
Subject: What do you think of this



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DNR MEMO

June 30, 2005

TO: Dan Smith
FROM: Susan France and Pam Bonebright
SUBJECT: Inactive Wells

At a meeting a month or so ago, you asked the Department why we registered water wells as inactive in those instances where the well registration comes in after the time allowed for construction of the well specified by the natural resources district (NRD) permit, and why we didn't void registrations for inactive wells in instances where a pump was not reported as being in the well by the date specified for completion of construction in the applicable NRD permit. It was our understanding that you based your question upon Neb. Rev. Stat. § 46-738 (Reissue 2004), which reads in part, "...applicant shall commence construction as soon as possible after the date of approval and shall complete the construction and **equip** the water well prior to the date specified in the conditions of approval,..." (Emphasis added.)

At the meeting, we said we would discuss your question with others in the Department, including our attorneys, and we have done so.

The last sentence of Neb. Rev. Stat. § 46-738 (Reissue 2004) states, "If the applicant fails to complete the project under the terms of the permit, the district may withdraw the permit." Therefore, we would offer that if a district withdraws the permit and informs the Department in writing of its action, the Department will void the appropriate water well registration on the basis that a permit is required and no valid permit exists.

If you and the other NRD managers agree with this solution, we will inform water well contractor's and pump installers of the possibility of such actions.

Cc: NRD Managers
Dean Edson