

DNR MEMO

December 28, 2004

TO: Department Staff
FROM: Roger Patterson, Director
SUBJECT: Policies

Until further notice, the following shall be the policies of this Department.

REPLACEMENT OF AN ILLEGAL WELL. Department staff shall not knowingly register a water well as a replacement well if the Department has knowledge that the original well was an illegal well. If such a situation exists, the original well must be brought into compliance with applicable rules or laws such that it can be considered a legal well prior to any new well being registered as a replacement for such well. One example would be where the original well violates the spacing of a properly registered well.

REPLACEMENT WELLS. The Department will not register a water well as a replacement well until such time as the original well has been properly decommissioned and the Notice of Abandonment form filed in the Department (Neb. Rev. Stat. §46-602(8)). The provisions of Neb. Rev. Stat. §46-602(2)(a and b) requires either: (1) the original well to be decommissioned prior to the replacement well being drilled and the replacement well to be drilled within three years of the last operation of the original well; or, (2) the original well to be decommissioned within one year after the construction of the replacement well. When the Department receives a registration for a replacement well, and a Notice of Abandonment form for the original well is not on file, the Department will register the "replacement" well as a "suspense well." If, within 14 months from the date of construction of the "suspense" well the Department receives a Notice of Abandonment form for the original well, the Department will upon filing of the Notice of Abandonment change its records to reflect the "suspense well" is a "replacement well." If no Notice of Abandonment form is received within that 14 month time period, the Department shall cause an investigation to be performed by staff to determine whether the original well has been decommissioned. If the original well has been decommissioned, the Department shall request the appropriate person to file a Notice of Abandonment. If the original well has not been decommissioned, the Department shall notify the water well owner that his well cannot be registered as a replacement well, and whether a new permit is required from the local natural resources district. If an NRD permit is not required, the Department shall just change the Department's records concerning the registration to indicate it is a new well. If a permit is required from the NRD, the Department shall work with the NRD and the well owner to make a

determination as to whether a permit can be issued and whether the water well can be properly registered.

NOTICE OF ABANDONMENT FORMS FOR UNREGISTERED WELLS. Under Neb. Rev. Stat. §46-602(8) any owner or water well contractor or pump installation contractor who decommissions a water well must file in the Department a Notice of Abandonment. If such a notice is filed in the Department for a water well that under the law was required to be registered, but was not registered, the Department shall request that the registration for such well be properly filed in the Department.