

Ann Diers

From: DVogler [dvogler@dnr.state.ne.us]
Sent: Monday, May 02, 2005 7:36 AM
To: 'Ann Diers'
Subject: RE: surveyor issue possible fix

I believe that the section of LB962 that got us concerned was in 46-294.01 where temporary transfers now must be recorded in the county offices. Susan tells me that the issue really has been around for longer than that, in that we have been doing maps for adjudications, etc. for a long time and noticed recently that those activities may conflict with the RLS statutes. At any rate, it is my recollection that the recording requirement is what made it a "hot button" issue.

I believe that Susan re-sent her proposed changes to all of us. Did you get it?

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

From: Ann Diers [mailto:adiers@dnr.state.ne.us]
Sent: Friday, April 29, 2005 4:55 PM
To: Dave Vogler
Subject: FW: surveyor issue possible fix

Dave:

Please find out what the correction was—there was no attachment to the email I received. Also check the statute that invoked the "Surveyor" activity, as far as 962 is concerned—it seems it did have something to do with maps. Please let me know which statute it is ASAP Monday morning.

Ann

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

From: Susan France [mailto:sfrance@dnr.state.ne.us]
Sent: Friday, April 29, 2005 5:44 AM
To: dvogler@dnr.state.ne.us; ann bleed; jim cook; Ann Diers; roger patterson
Subject: RE: surveyor issue possible fix

I made one small correction. I agree that this is a good place to do it. My only question is whether we should also add that the maps filed by others do not have to be drawn by a surveyor?

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

From: DVogler [mailto:dvogler@dnr.state.ne.us]
Sent: Thursday, April 28, 2005 1:38 PM
To: ann bleed; jim cook; Ann Diers; susan france; roger patterson
Subject: surveyor issue possible fix

Attached is one possible suggestion for fixing the surveying/mapping problem that we identified as being in possible conflict with the Registered Land Surveyors. I think it would be much more palatable to do something like this rather than open up their section of statutes to create a fix. There may be other possibilities also.

Ann Diers

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4/29/2005

DNR 015290

Ann Diers

From: Susan France [sfrance@dnr.state.ne.us]
Sent: Friday, April 29, 2005 5:37 AM
To: Jim Cook; dvogler@dnr.state.ne.us; 'ann bleed'; 'Ann Diers'; 'roger patterson'
Subject: RE: 46-706 variance options

Is this too broad? Since in 46-714 DNR also can grant a variance are we putting in place something we don't want to allow? If we put it in statute does it allow the NRDs to put rules in place (that some already have) that says they can grant a variance to anything in the sections of laws you are stating?

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

From: Jim Cook [mailto:jcook@dnr.state.ne.us]
Sent: Thursday, April 28, 2005 2:12 PM
To: dvogler@dnr.state.ne.us; 'ann bleed'; 'Ann Diers'; 'susan france'; 'roger patterson'
Subject: RE: 46-706 variance options

Dave, minor changes on this one as well. Jim

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

From: DVogler [mailto:dvogler@dnr.state.ne.us]
Sent: Thursday, April 28, 2005 11:28 AM
To: ann bleed; jim cook; Ann Diers; susan france; roger patterson
Subject: 46-706 variance options

I think the problem identified with the term "variance" can be corrected simply by changing the definition of variance. As you recall, 46-714(3)(j) states that "Exceptions to the stays imposed pursuant to subsection (1), (2), (9), or (10) of this section shall exist for . . . water wells and increases in ground water irrigated acres for which a variance is granted by the applicable natural resources district for good cause shown". The current definition of variance in 46-606(29) is "the approval to act in a manner contrary to existing rules or regulations from a governing body whose rule or regulation is otherwise applicable."

Since some NRD's don't have rules or regulations addressing the stays, the current definition of variance causes the problem.

I checked the statutes and the only place that "variance" appears in Sections 46-701 through 46-753 is in the definition section (46-706) and in section 46-714.

By redefining the term variance, as in the attached, I think the problem will be resolved.

4/29/2005

DNR 015291