



People who use Nebraska's surface water resources **are required** in most instances to obtain a

surface water right from the **Nebraska Department of Natural Resources (NDNR)**. The permit(s)/water right(s) are approved for a specific location and purpose. **Water rights are administered by NDNR, and are NOT recorded with the deed when land is bought, sold, or transferred. NDNR is also responsible for maintaining a database of registered groundwater wells and ownership of wells is usually not recorded with the deed when land is bought, sold, or transferred.**

State statutes require all landowners to file a written notice with NDNR of any changes in ownership, and/or address for surface water rights and registered groundwater wells. The forms required to update this information are available on NDNR's web site at www.dnr.ne.gov . Surface water appropriation information can be checked at <http://dnrdata.dnr.ne.gov/SWRCombined/SelectSearchOptions.asp> and registered well information can be checked at <http://dnrdata.dnr.ne.gov/wellssql/> . Both forms are also available from NDNR upon request.

Web Site Information



The Department's web site has a wealth of resources information. **Registered well data, and surface water permit information can be found** on the Department's web site. When looking up surface water permit information please remember that the legal description listed on the permit above the owners name is the point of water diversion, not the land that is irrigated with that water.

Required Forms

The **Water Resources Update Notice (WRUN)** is the form that is required to notify the NDNR of changes in ownership. It requires both the signature of the transferor and transferee so that all parties are aware of the transfer of ownership for all registered wells and surface water permits/rights. The back of the WRUN form has a grid to show where the property lines fall in the section, and to mark the placement of any wells. The WRUN form is the newest and preferred form accepted by NDNR. A Notice of Change of Ownership form is used to notify NDNR of a new owner and/or address when the transfer of ownership or changes have occurred prior to July of 2002, or is within a municipality.

Tips

Be sure to include the **correct and entire legal description** of the subject property on or attached to the form. In the event that you are not sure which well(s) or surface water permit(s)/right(s) are located on the subject land, a complete legal description provided on the form will allow NDNR staff to determine if one or both are present.

Registered Wells

Current Nebraska law requires all wells to be registered.

Exceptions to this law include domestic and stock wells drilled prior to September 9, 1993, and dewatering wells.



Surface Water Permits

A **surface water permit/right** allows the **appropriator** (in most cases the landowner) **the right to divert water at a set rate, for a certain amount, from an approved point of diversion, to irrigate a certain area of land.** Permits are also granted for the right to impound a number of acre-feet of water in a reservoir. The permit (water appropriation) number if known is



written on the WRUN in 3c. Holders of water rights must use the water for the purpose written on the permit. Failure to use the water can



result in NDNR canceling the permit. This process is called "adjudication" and is subject to review by the Nebraska Court of Appeals.

Private Permits vs Irrigation Districts

An irrigation district may be the appropriator of a surface water permit/right. See the WRUN part 3b. In that case, when a person purchases land that has such a permit/right covering all or part of the land and it's in the name of an irrigation district, a public power and irrigation district, or a mutual irrigation company, they must contact the district/company. These permits(s)/right(s) remain in the name of the district/company, and they are responsible for the water diverted under that permit/right.



A Problem

Many permits/rights were originally granted to previous landowners maybe one, two or sometimes three generations back. Permits/

rights do not transfer with land titles. Often subsequent generations of owners are not familiar or aware of the surface water permit/right for their land. This can be



especially true if the land is now irrigated using a groundwater well. While not always the case, it is not uncommon to find landowners with surface water permits/rights who have no idea that a permit/right exists for their land.

NDNR would like all parties involved with land ownership, whether it be owners, buyers or sellers to be aware of the procedures necessary to be in compliance with Nebraska's water laws concerning surface water permits/rights and groundwater well registrations. Questions concerning groundwater well registrations, water permits/rights, changes in required ownership information or questions about Nebraska's water laws, should contact the **Nebraska Department of Natural Resources** at **(402) 471-2363** or fax (402) 471-2900.



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Nebraska's
WATER

ownership and rights information