

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER CANCELLING PERMIT TO TRANSFER GROUND WATER TO AN ADJOINING STATE

The Director of the Department of Natural Resources (Department) cancels Permit TA-46, a permit to transfer ground water from the City of Kimball to Colorado for commercial/industrial use, held by Pine Bluffs Gravel and Excavating, Inc. (Pine Bluffs).

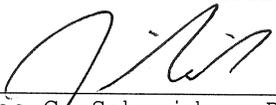
Permit TA-46 was granted on April 26, 2010, to allow Pine Bluffs Gravel and Excavating, Inc., to transfer groundwater from its Kimball, Nebraska, facility's service connection to Logan and Weld Counties, Colorado, for commercial/industrial use. Department records show that, for five consecutive years, Pine Bluffs has reported no water withdrawn and transferred to Colorado under Permit TA-46. Electronic correspondence between Department staff and Doug Keller, then-operations manager for Pine Bluffs, confirmed that no groundwater would be transferred under the permit in the future, and the permit should be cancelled. An additional telephone conversation with current Pine Bluffs staff verified that Pine Bluffs no longer owns the facility in Kimball, Nebraska, from which groundwater was proposed to be transferred under TA-46.

The Department concludes that Permit TA-46 has not been put to beneficial use, in accordance with the terms and conditions of the permit, and will not be put to beneficial use in the future.

It is therefore ORDERED that Permit TA-46 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

January 22, 2015

  
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James C. Schneider, Ph.D.  
Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing, in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order cancelling Permit TA-46 was posted on the Department's website and provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed on January 22, 2015, to the following:

Pine Bluffs Gravel & Excavating, Inc.  
P.O. Box 609  
Pine Bluffs, Wyoming 82082

Rod Horn, Manager  
South Platte Natural Resources District  
551 Parkland Drive  
P.O. Box 294  
Sidney, Nebraska 69162-0294