STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION VAR-1611 FOR LEAVE TO FILE OR CONSIDER AN APPLICATION FOR A NEW SURFACE WATER APPROPRIATION WITHIN A MORATORIUM OR STAY AREA UNDER TITLE 457 N.A.C. CHAPTER 23 FOR WATER APPLICATION A-17847

WATER DIVISION 2-B

Background

1. On April 21, 2000, Harvey Anderson filed application A-17847 for a permit to divert 1.68 cubic feet per second (cfs) from a tributary to Logan Creek for irrigation of land located in Section 21, Township 27 North, Range 5 East of the 6th P.M. in Dixon County.

2. On December 16, 2008, the Department preliminarily determined the Lower Platte River Basin is fully appropriated.

3. The land described in application A-17847 falls within the area preliminarily determined to be fully appropriated.

4. On January 6, 2009, Harvey Anderson filed petition VAR-1611 for leave to file or consider an application for a new surface water appropriation within an area subject to a stay on the issuance of new surface water appropriation.

5. The Department has reviewed the information in petition VAR-1611 and determined that the proposed project existed prior to the preliminary determination that the Lower Platte River Basin is fully appropriated.

Order

IT IS HEREBY ORDERED that petition VAR-1611 is APPROVED.

Additional Information

The approval of petition VAR-1611 does not bind the Department in any way to approve application A-17847 nor may be used as evidence of prejudice for the Director's future decisions concerning the specific approval requirements of the application.

DEPARTMENT OF NATURAL RESOURCES

February 23, 2009

/s/
Brian P. Dunnigan, P.E., Director

A copy of this approval was posted on the Department's website and provided to the Department's field office in Norfolk, Nebraska. A copy of this approval was mailed on February _____, 2009, to the following:

Harvey Anderson
58425 Highway 35
Wakefield NE 68784