

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18644

WATER DIVISION 2-B

Background

1. On December 16, 2008, the Department of Natural Resources (Department) issued a Notice of Preliminary Determination that the Lower Platte River Basin is Fully Appropriated. This action required an immediate stay on the issuance of any new surface water appropriations in that portion of the Lower Platte River and its tributaries.
2. On January 20, 2009, TransCanada Keystone Pipeline LP filed petition VAR-1617 for Leave to Consider an Application for a Permit to Appropriate Water.
3. On February 17, 2009, the Department granted VAR-1617, for Leave to Consider an Application for a Permit to Appropriate Water.
4. On February 19, 2009, TransCanada Keystone Pipeline LP filed application A-18644 for a temporary permit to appropriate water.
5. The application materials indicate this is a non-consumptive use and the water will be returned to the source when hydrostatic testing is complete.

Order

IT IS HEREBY ORDERED that application A-18644 is APPROVED subject to the following limitations and conditions:

1. The source of water is the Elkhorn River.
2. The water shall be used for the purpose of horizontal directional drilling and hydrostatic testing during pipeline construction.
3. The priority date is February 19, 2009.
4. The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 36, Township 23 North, Range 1 East of the 6<sup>th</sup> P.M. in Stanton County. An easement for access to the site must be filed in the Department prior to use of this appropriation. The location of diversion is generally depicted on the drawing filed with the application.
5. The rate that water may be diverted under appropriation A-18644 shall not exceed 6.68 cubic feet per second (3,000 gallons per minute) and a total diversion of 30.7 acre-feet.
6. This authorization EXPIRES one year past the signing date of this application approval, and application A-18644 will be CANCELLED without further action by the Department as of that date.

