STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER FOR TEMPORARY STAY ON SURFACE WATER APPROPRIATIONS IN THE LOWER PLATTE NORTH NATURAL RESOURCES DISTRICT

On October 14, 2013, the Lower Platte North Natural Resources District (LPNNRD) pursuant to *Neb. Rev. Stat.* § 46-707(2) placed an immediate temporary stay for 180 days on the construction of any new water well and on any increase in the number of acres historically irrigated. The temporary stay applies to the areas contained within the boundaries of the LPNNRD.

By letter dated October 25, 2013, the LPNNRD requested the Department of Natural Resources (Department) to place an immediate temporary stay on the issuance of any new surface water diversion permits which result in the consumptive use of surface water excluding de minimis uses such as farm ponds and other conservation practices.

Neb. Rev. Stat. Section 2-32,115 authorizes the Department to place an immediate temporary stay without prior notice or hearing on the issuance of new surface water natural flow appropriations for up to 180 days in any area included in a temporary stay determined necessary by a natural resources district in accordance with *Neb. Rev. Stat.* § 46-707(2).

It is therefore ORDERED:

Effective November 8, 2013, a temporary stay shall be placed on the issuance of any new surface water natural flow appropriations for areas contained within the boundaries of the LPNNRD.

The stay shall run concurrent with the 180-day period of the LPNNRD's stay and thus, shall remain in effect through April 11, 2014.

New surface water natural flow appropriations that are necessary to alleviate an emergency situation involving the provision of water for human consumption or public health or safety are exempt from this stay.

The Department shall hold at least one public hearing within the LPNNRD prior to the expiration of the stay. At the public hearing, public comments will be taken on whether or not the Department should impose a stay or other conditions in the District in accordance with *Neb. Rev. Stat.* § 46-234 i.e. because: (1) there is no more unappropriated surface water available in the area, (2) it is in the public interest to deny any new applications for surface water appropriations in the area, or (3) as otherwise in accordance with *Neb. Rev. Stat.* § 46-234.

DEPARTMENT OF NATURAL RESOURCES

November 8, 2013

Brian P. Dunnigan, P.E., Director

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 *Nebraska Administrative Procedures Act Neb. Rev. Stat.* §§ 84-901 et. seq. and the Department's *Rules of Practice and Procedure Title 454 Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor, Nebraska State Office Building, PO Box 94676, Lincoln, NE 68509-4676) within 30 days of the date of this Order and be accompanied by a filing fee of $10.

On November 8, 2013, a copy of this Order was posted on the Department's website and mailed to John R. Miyoshi, General Manager, Lower Platte North Natural Resources District, 511 Commercial Park Road, PO Box 126, Wahoo, NE 68066 and the Department of Natural Resources field offices.