

COPY

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Petition to File an)
 Application for a Temporary Permit to Use)
 Surface Water for Purposes of Soil)
 Compaction for Construction of a Sewage) ORDER
 Lagoon filed by The Central Nebraska)
 Public Power and Irrigation District.)
 Water Division 1-A.)

This matter came on before the Director of the Department of Natural Resources (Department) pursuant to Department rule 457 N.A.C. 23. The Director FINDS:

1. On July 14, 2004, an order declaring a formal moratorium on the filing of applications for surface water appropriations in the Platte River Basin was issued by the Department.
2. On April 24, 2006, a Petition for Leave to File an Application for Temporary Storage Use in a moratorium or stay area was filed in the Department by the Central Nebraska Public Power and Irrigation District under the provisions of Department rule 457 N.A.C. 23. The petition requests leave to file an application for a permit to divert seven acre-feet of water for purposes of soil compaction for construction of sewage lagoons at Johnson Lake.

It is CONCLUDED that the Department's rule 457 N.A.C. 23 allows for such petitions to be approved when the project is for a public safety issue and when the proposed use is a temporary use for public construction and the total volume requested is less than ten acre-feet. Therefore, this petition should be approved.

It is so ORDERED.

DEPARTMENT OF NATURAL RESOURCES

May 12, 2006



 Ann Bleed, Acting Director

A copy of this Order was mailed on May 12, 2006, to Mike Klein, Attorney for The Central Nebraska Public Power and Irrigation District, 417 East Avenue, P. O. Box 133, Holdrege, Nebraska 68949-0133.