

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER CANCELLING PERMIT TO TRANSFER GROUND WATER FOR MUNICIPAL USE

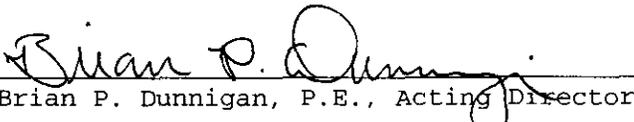
Background:

1. The City of Kearney filed Application MT-21 for a municipal transfer permit on March 3, 2006. The application requested an average daily withdrawal of 4,000,000 gallons; a maximum daily withdrawal of 7,056,000 gallons, at a maximum rate of 4,900 gallons per minute; and a total annual withdrawal of 1,460,000,000 gallons from seven new wells to be constructed at the City's new wellfield.
2. Based on the application information, the Director of the Department of Natural Resources (Department) approved Permit MT-21 on June 26, 2008, for lesser withdrawal quantities than those requested on the application. Permit MT-21 was granted for an average daily withdrawal of 2,200,000 gallons; a maximum daily withdrawal of 4,000,000 gallons, at a maximum rate of 2,778 gallons per minute; and a total annual withdrawal of 803,000,000 gallons for the seven new wells.
3. On July 10, 2008, the City of Kearney filed an "Appeal of Municipal Transfer Permit MT-21," in which the City requested a contested case hearing on Permit MT-21.
4. On August 1, 2008, the City of Kearney filed a request to relinquish Permit MT-21 and withdrawal of the objections to and request for hearing on MT-21.

Based on the City of Kearney's request to relinquish its permit, the Director hereby CANCELS municipal transfer permit MT-21.

DEPARTMENT OF NATURAL RESOURCES

August 19, 2008


Brian P. Dunnigan, P.E., 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 Nebraska Administrative Procedures Act (Sections 84-901 et seq. RSS) and the Department's Rules of Practice and Procedure (456 N.A.C. Chapter 007). The request must be received by the

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Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, Nebraska 68509-4676) within 15 days of the date of this Order and must be accompanied by a filing fee of \$10.

A copy of this Order cancelling Permit MT-21 was provided on August 19, 2008, to Ron Theis, Hearing Officer and posted on the Department's website. A copy of this Order was also mailed on August 19, 2008, to the Department's field office in Bridgeport, Nebraska, and to the following:

Kirk Stocker, Director of Utilities
City of Kearney
1220 East 26th Street
Kearney, Nebraska 68847

Chris Miller, P.E.
Miller & Associates Consulting Engineers, P.C.
1111 Central Avenue
Kearney, Nebraska 68847

Michael J. Tye, City Attorney
City of Kearney
P.O. Box 636
Kearney, Nebraska 68848-0636

Jane Robinson
8051 Eagle Road
Kearney, Nebraska 68845

Roger and Miriam Brandt
9191 Eagle Road
Kearney, Nebraska 68845

Ron Bishop, Manager
Central Platte Natural Resources District
215 North Kaufman Avenue
Grand Island, Nebraska 68803