

May 7, 2008
McCook, Nebraska

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DEPARTMENT OF
NATURAL RESOURCES



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RE: Kearney NW Well Field Transfer Permit MT-21
May 1, 2008 Request for Additional Information
M&A Proj. No. 130-C1-049

Dear Ms. Zayac:

We are writing on behalf of the City of Kearney based on discussions with you, Kirk Stocker, Director of Utilities and Mike Tye, City Attorney for the City of Kearney.

We believe that the MT-21 for the Northwest Well Field should be approved as submitted for the following reasons;

- The 1996 Water System Facility Plan demonstrated that under the high growth scenario, based on 1.6 % population growth for the planning period 1995 to 2015 population would be 37,100 at 800 gpcd, the historical peak day consumption, the Platte River Well Field would have to produce 29,860,000 gallons per day to meet the projected peak day demands, see Demand Projections page 1, 2 & 3 of executive summary. Given that demand, the well field was modeled which determined that if the Platte River Well Field could add enough wells to produce 30 mgd, which it can't due to recent developments in water law, it could not sustain that production for a long period of time based on historical river flows that recharge the aquifer, see the Preliminary Sustainable Yield Estimates page 6, 7 & 8, as well as exhibit 7, 8, & 9 of the Facility Plan. Hence, the recommendation for a redundant supply to meet the difference between the 30 mgd that is required under the high growth scenario and the sustainable yield of the well field. Since we know the well field can not be developed to produce 30 mgd the Northwest Well Field was developed to achieve the 30 mgd demand, 24 mgd from the Platte River Well Field and 7 mgd from the Northwest Well Field. Therefore, the Northwest Well Field is not a redundant supply but a necessary supply to meet future demands under the high growth scenario.
- The Northwest Well Field has been modeled by the Central Platte NRD and has been shown to have the capacity to produce the amounts of water that we have requested.
- The City has agreed to abandon 7 unregulated wells in the City.
- The City has no intention of over pumping these wells just to show that we are using the amounts allowed in a transfer permit.

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- The City believes that there is little or no difference between what we are asking for in MT-21 and what the NRD is doing by banking water. We have secured a water supply to meet future demands based on historical demand and sound engineering practices.
- We see no reason why the DNR would not grant the City the permit as requested as this would save the time required to increase the permit at some point in the future. We believe that DNR should consider 20 year projections for growth and water demand when making their decision regarding MT-21.

We understand, based on our discussions, that the DNR is concerned that the City has not reached the 30 mgd peak demand and the per capita water use has not been as high as previous years. However, we are concerned that peak days capacity is critical to a municipal water supply not only for domestic and industrial demands, but also fire fighting. This is why we feel that the if DNR limits the peak day capacity by tying both the Platte River Well Field Transfer Permit and the proposed Northwest Well Field Transfer Permit together, we could inadvertently exceed a reduced permitted peak day usage. We do not agree that this is necessary. The Northwest Well Field is a supply to meet future needs under peak day demand requirements. The Water System Facility Plan shows that the City with a population of 37,100 people using 800 gpcd peak and that we need a 30 mgd supply.

The City is requesting that you proceed to review and make a determination regarding MT-21 based on your statement that the Transfer Permit for the Platte River Well Field will not be reduced or modified regarding quantity and that the priority date will not be changed.

Also, the City of Kearney reserves the right to request a contested case hearing and protest the DNR's decision in granting or making a determination in MT-21.

If either of the conditions referenced in the preceding two paragraphs above are not true please notify us immediately before acting on MT-21.

If you have any questions or need any additional information please don't hesitate to contact me at 308-345-3710.

Sincerely yours,
Miller & Associates
Consulting Engineers, P.C.



Chris Miller, P.E.

CAM/cll

cc: Mike Tye, City Attorney
Kirk Stocker, Director of Utilities