

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING PERMIT TO TRANSFER GROUND WATER FOR MUNICIPAL USE

The Director of the Department of Natural Resources (Department) approves Application MT-21, submitted by the City of Kearney, for a permit to withdraw and transport ground water for municipal use.

The terms and conditions of permit MT-21 are as follows:

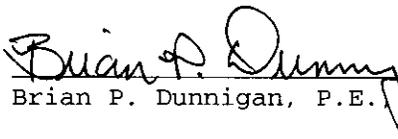
1. Municipal transfer permit A-16167 authorizes the City of Kearney to withdraw and transfer a maximum of 24,048,000 gallons per day (gpd) from the City's primary wellfield, located in Section 16, Township 8 North, Range 15 West of the 6th P.M. in Buffalo County. Municipal transfer permit MT-21 authorizes the City of Kearney to withdraw and transfer ground water from nine existing public water supply wells not included under permit A-16167. Withdrawal and transfer of ground water under permit MT-21 shall not exceed 2,778 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 4,000,000 gpd. The maximum rate of withdrawal and transfer under both permits shall not exceed 28,048,000 gpd.
2. The average daily withdrawal and transfer of ground water under Permit MT-21 shall not exceed 2,200,000 gpd.
3. The total amount of ground water that may be transferred in a one-year period under Permit MT-21 shall not exceed 803,000,000 gallons.
4. The priority date shall be March 3, 2006, as required by Section 46-642(1) RSS.
5. Ground water may be withdrawn and transferred from the existing public water supply wells identified as follows: G-142288, G-142474, G-142475, and G-142941, generally located in Section 14; and G-142289, G-142476, G-142551, G-142592, and G-143490, generally located in Section 23, all in Township 9 North, Range 17 West of the 6th P.M. in Buffalo County, Nebraska.
6. The water shall be used for domestic, fire suppression, and all other beneficial municipal purposes for the service area of the City of Kearney, shown on maps filed in support of Application MT-21.
7. Approval of this permit is based on the information included and representation made in Application MT-21 by the City of Kearney. That information and those representations are considered terms of this approval, to which City of Kearney must adhere.
8. The City of Kearney must develop and implement best management practices to ensure that the City maintains its customers' per-capita water use at rates less than or equal to the rates stated in the application.

9. No later than December 31, 2009, the City of Kearney shall decommission the following public water supply wells: G-030624, G-060265, G-070227, G-070519, G-070520, G-070523, and G-070524. Notice of decommissioning shall be provided to the Department, on forms provided by the Department, within sixty (60) days of decommissioning.
10. The City of Kearney shall install a flow meter on each well, and, by January 31 of each year, the City of Kearney shall file the following information in the office of the Department, on forms provided by the Department:
 - a. A completed "Public Water Supplier Ground Water Well Report".
 - b. The total quantity of wastewater discharged in the previous one-year period to the Platte River.
11. The City of Kearney must comply with all state and federal laws and the regulations of the Department and the Central Platte Natural Resources District, including, but not limited to, the following:
 - a. Any replacement water wells must be registered as required by Section 46-602(1) RSS.
 - b. Notice of the decommissioning of any water well must be provided to the Department, as required by Section 46-602 RSS.
 - c. The withdrawal and transfer must be in accordance with the provisions of any future integrated management plan adopted by the Central Platte Natural Resources District.
12. This permit shall be valid for five years after the Order date and as long thereafter as the water for which the permit is granted is placed to beneficial use. If the City of Kearney has not used water for beneficial purposes and in accordance with the terms of this permit for more than five years, the permit may be revoked or modified by the Director pursuant to Section 46-644 RSS. The procedure for such revocation or modification is provided for in Sections 46-229.02 to 46-229.05 RSS.

THIS PERMIT MAY BE REVOKED OR MODIFIED BY THE DEPARTMENT FOR FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE PERMIT.

DEPARTMENT OF NATURAL RESOURCES

June 26, 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 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 granting Permit MT-21 was mailed on June 26, 2008, to the Department's field office in Bridgeport, Nebraska, and to the following:

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