

City Attorney's Office
City of Kearney
1419 Central Avenue
P. O. Box 636
Kearney, NE 68848-0636



TELEPHONE · (308) 237-3155
FAX · (308) 236-7780
E-MAIL · mtye@kearneygov.org
WEBSITE · www.cityofkearney.org

Fax

TO:	Pam D. Andersen, Esq. Department of Natural Resources	From:	Michael J. Tye, Esq. City Attorney
Fax:	(402) 471-2900	Pages:	2 including this page
Phone:		Date:	7/31/2008
Re:	MT 21	CC:	

Urgent For Review Please Comment Please Reply Please Recycle

NOTICE OF CONFIDENTIALITY: The information contained in this facsimile transmission is confidential information which may contain information that is legally privileged and exempt from disclosure under applicable law. The information is intended solely for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, you are notified that any disclosure, copying, distribution, or taking of any action in reliance on the contents of this facsimile transmission is strictly prohibited. If you have received this facsimile transmission in error, please notify us immediately by telephone to arrange for the return of the original transmission to us.

RECEIVED

JUL 31 2008

DEPARTMENT OF
NATURAL RESOURCES

Received Time Jul. 31. 2:03PM

ccr

City Attorney's Office
 City of Kearney
 1419 Central Avenue
 P. O. Box 636
 Kearney, NE 68848-0636



TELEPHONE · (308) 237-3155
 FAX · (308) 236-7780
 E-MAIL · mtye@kearneygov.org
 WEBSITE · www.cityofkearney.org

July 31, 2008

Ron Theis, Esq.
 Department of Natural Resources
 301 Centennial Mall
 PO Box 94676
 Lincoln, NE 68509-4676

VIA FACSIMILE AND US REGULAR MAIL

RE: In the Matter of the Approval of the Application of the City of Kearney for a Municipal and Rural Domestic Ground Water Transfer Permit
 Case No. 009-08 CC, Application MT 21

Dear Mr. Theis:

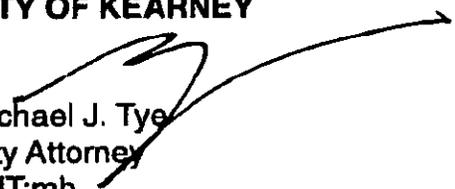
After additional review of the above-entitled matter and further discussion with the Department of Natural Resources and their counsel, the City of Kearney has determined that it is in the City's best interests to relinquish the above-referenced Permit.

It is my understanding that the City is not required to obtain the above-referenced permit in order to operate it's new well field. All of the wells at the new Northwest Well Field have been permitted by the Central Platte Natural Resources District. Because the permit was not granted at the level of output requested by the City, it is our desire to relinquish the permit rather than be subject to such a restriction.

Therefore, please accept this correspondence as a withdraw of the City's objections and request for a contested hearing as well as a relinquishment of the Permit in question. If you require any additional documentation from the City of Kearney regarding the withdraw of this matter and the relinquishment of this Permit, please contact me. As the Permit is not required for the City to proceed and as the City believes that it is in it's best interests not to be subject to the limitations as set forth in the permit, the City wishes to relinquish the Permit all together which I believe will bring this matter to a close. I am providing a copy of this correspondence to Pam Anderson, Counsel for the Department of Natural Resources and would request that it be noted in our file that the City of Kearney wishes to relinquish the Permit in question as set forth herein. If you have questions, or if I can provide additional information, please do not hesitate to contact me.

Sincerely,

CITY OF KEARNEY


 Michael J. Tye
 City Attorney
 MJT:mb

cc: Pam D. Andersen, Esq., Counsel for the Department;
 Kirk Stocker, Director of Utilities, City of Kearney
 Ron Bishop, Manager, Central Platte NRD
 Michael

RECEIVED

JUL 31 2008

DEPARTMENT OF
 NATURAL RESOURCES

Received Time: Jul. 31. at 2:01 PM KEarney