

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING PERMIT TO TRANSFER GROUND WATER FOR MUNICIPAL USE

AND

CANCELLING MUNICIPAL TRANSFER PERMITS A-11085 AND A-16550

The Director of the Department of Natural Resources (Department) approves Application MT-32, submitted by the City of Scottsbluff, for a permit to withdraw and transport ground water for municipal use.

The terms and conditions of permit MT-32 are as follows:

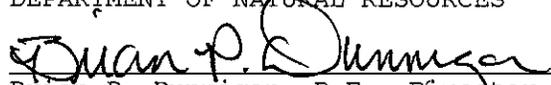
1. Municipal transfer permits A-11085 and A-16550 authorize the City of Scottsbluff to withdraw and transfer up to 20,000,000 gallons per day (gpd) from the City's existing public water supply wells described more fully in Paragraph 5 below. Municipal transfer permit MT-32 replaces permits A-11085 and A-16550 and authorizes the City of Scottsbluff to withdraw and transfer ground water from the City's thirteen existing public water supply wells and up to three proposed public water supply wells. Withdrawal and transfer of ground water under permit MT-32 shall not exceed 14,000 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 20,000,000 gpd.
2. The average daily withdrawal and transfer of ground water shall not exceed 5,753,400 gpd.
3. The total amount of ground water that may be transferred in a one-year period shall not exceed 2.1 billion gallons.
4. The priority date shall be June 5, 2008, 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 Ground water may be withdrawn and transferred from the existing public water supply wells identified as follows: A-011085A, generally located in Section 18; and A-011085M and A-011085N, generally located in Section 21, all in Township 22 North, Range 54 West of the 6th P.M.; A-011085J, generally located in Section 10; A-011085K, G-011085G, G-093466, and G-093467, generally located in Section 21; A-011085D and A-011085L, generally located in Section 22; A-011085B, generally located in Section 23; and A-011085I, generally located in Section 24, all in Township 22 North, Range 55 West of the 6th P.M, all in Scotts Bluff County; and from three proposed production wells to be constructed in the NW1/4 of Section 21, Township 22 North, Range 55 West of the 6th P.M. in Scotts Bluff 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 Scottsbluff, Nebraska, shown on maps filed in support of Application MT-32.

7. Approval of this permit is based on the information included and representations made in Application MT-32 by the City of Scottsbluff. That information and those representations are considered terms of this approval, to which the City of Scottsbluff must adhere.
8. The City of Scottsbluff 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. The City of Scottsbluff shall install a flow meter on each well, and, by January 31 of each year, the City of Scottsbluff 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".
10. The City of Scottsbluff must comply with all state and federal laws and the regulations of the Department and the North Platte Natural Resources District, including, but not limited to, the following:
 - a. Any new or replacement water wells must be registered as required by Section 46-602(1) RSS.
 - b. The withdrawal and transfer must be in accordance with the provisions of the integrated management plan developed by the North Platte Natural Resources District.
11. 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 Scottsbluff 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.
12. With approval of permit MT-32, the City of Scottsbluff's existing municipal transfer permits, A-11085 and A-16550, are hereby CANCELLED.

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

July 28, 2009


Brian P. Dunnigan, P.E., 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 (454 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 30 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-32 and cancelling Permits A-11085 and A-16550 was mailed on July 28, 2009, to the Department's field office in Bridgeport, Nebraska, and to the following:

Jack Satur, Water Superintendant
City of Scottsbluff
1818 Avenue A
Scottsbluff, Nebraska 69361

Ron Cacek, Manager
North Platte Natural Resources District
100547 Airport Road
P.O. Box 280
Scottsbluff, Nebraska 69363-0280