

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Application MT-6)
for a Municipal and Rural Domestic)
Ground Water Transfers Permit for)
the City of Sidney, Nebraska.)

ORDER GRANTING PERMIT

This matter came on for consideration before the Director of the Department of Natural Resources (Department) pursuant to Neb. Rev. Stat. §§ 46-638 to 46-650 (Reissue 2004).

The Department has reviewed Application MT-6, an application for a permit under the provisions of the Municipal and Rural Domestic Ground Water Transfers Permit Act, and determined that the withdrawal and transportation of ground water meets all necessary requirements and that a permit may be granted pursuant to Neb. Rev. Stat. § 46-642 (Reissue 2004).

It is therefore ORDERED that MT-6 is APPROVED with the following conditions:

1. As required by Neb. Rev. Stat. § 46-642(1) (Reissue 2004), the priority date shall be March 8, 2004.
2. The total rate of withdrawal from the City of Sidney's eighteen existing public water supply wells shall not exceed 5,300 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 7,632,000 gallons per day. The average daily withdrawal from the eighteen water wells shall not exceed 3,561,640 gallons nor shall the total annual quantity withdrawn exceed 1,300,000,000 gallons.
3. Ground water may be withdrawn and transferred from the existing public water supply wells identified as follows: G-017339B, located in the SW1/4 of Section 29; G-028490, G-028491, G-028492, and G-028495, generally located in Section 31; G-081364 and G-089312, generally located in Section 17; and G-089313, located in the NE¼ of Section 20, all in Township 14 North, Range 49 West of the 6th P.M.; G-028493, located in the NE¼ of Section 6; and G-051268, located in the NW¼ of Section 5, all in Township 13 North, Range 49 West of the 6th P.M.; G-125747, G-125749, G-125811, G-125870, and G-125872, generally located in Section 26; and G-125748 and G-125871, located in the NE¼ of Section 33, all in Township 16 North, Range 51 West of the 6th P.M.; and G-125869, located in the NE¼ of Section 2, Township 15 North, Range 51 West of the 6th P.M., all in Cheyenne County, Nebraska. The water shall be used for domestic, industrial, irrigation, wastewater treatment, fire suppression, and all other beneficial municipal uses for the City of Sidney and Cheyenne County Sanitary Improvement District Number One.
4. Because approval of the withdrawals requested under permit MT-6 is based in part on population estimates provided by the City of Sidney, the Department expects that actual water use will be maintained at current per-capita rates or lower. Consequently, the City of Sidney should develop and

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implement best management practices to ensure that the City maintains water use at less than or equal to the current per capita rate. According to the City's filings, the City of Sidney does not expect to use the full amount of the withdrawals requested under MT-6 until the City's population has expanded as described in the information submitted in support of its application.

5. The City of Sidney shall properly register any replacement water wells constructed for the purpose of withdrawal of ground water under permit MT-6, pursuant to the requirements of Neb. Rev. Stat. § 46-602(1) (Reissue 2004).
6. 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 it shall appear that the City of Sidney has not used water for beneficial purposes and in accordance with the terms of this permit for more than three years, the permit may be revoked or modified by the Director pursuant to Neb. Rev. Stat. § 46-644 (Reissue 2004). The procedure for such revocation or modification is provided for in Neb. Rev. Stat. § 46-229.02 to 46-229.05 (Reissue 2004).
7. All wells shall have flow meters installed, and, by January 31 of each year, the City of Sidney shall file in the office of the Department of Natural Resources a completed "Public Water Supplier Ground Water Well Report" on a form provided by the Department.
8. The City of Sidney shall comply with all rules and regulations of the South Platte Natural Resources District, including such future allocations or other controls required to comply with any interstate or other cooperative agreements.
9. Failure to meet any conditions of this Approval may cause modification or revocation of the permit pursuant to Neb. Rev. Stat. § 46-644 (Reissue 2004).

DEPARTMENT OF NATURAL RESOURCES

June 7, 2006


Ann Bleed, Acting Director

A copy of this Order granting permit MT-6 was provided on June 7, 2006, to the Department's field office in Bridgeport, Nebraska, and to the following:

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