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February 18, 2006

Tracy Zayac, Natural Resources Program Specialist
Natural Resources Program Specialist
Department of Natural Resources
PO Box 94676
Lincoln, NE 68509 – 4676

Re: Big Springs, NE

Dear Ms. Zayac:

We are responding to your letter dated January 12, 2006. You have a lot of good questions, hopefully we can answer them all.

Our answers are in order of your questions:

1. The Village has furnished water use data for the last three years, as shown on the attached. The average Village usage for the last three years is 141,113,166 gallons per year. (Meters were installed in 2002).
2. Test pump data is enclosed. The neighbor turned on his pivots at the time these wells were pumped, and would not give permission to check his drawdown. The wells are shown on the attached sheet, particularly, G-40003, G-063340, and G-025741.
It is unlikely that 1,000 gpm would be pumped continuously from this site, except on rare occasions such as for fire-fighting needs. We anticipate that the radius of influence would be less than 1000 feet.
3. a. A table is included based upon the water operator's records, which shows the population, annual water use, and per capita use figures for 1995, 2005 and projected to 2025. Per capita use has decreased approximately 65 % since 1995.

b. There is no such data available.

c. We expect that the truck stop in Big Springs will discontinue using their well sometime in the future and connect to the new Village water line from the proposed wells, if that water line ever eventuates. Furthermore, we believe that water regulations will prompt other businesses in the I-80 interchange to abandon their well's and connect to the Village water system also. We believe that some rural residents may want to connect to the Village water line, if it is ever available. None of these changes has been included in the application or calculations since they are merely speculative, and based upon some preliminary contact with affected parties. If they do occur, we expect that it would happen within the next five years.

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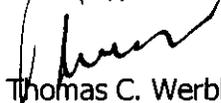
4. a. The Village has no direct discharge to a stream at this time. However, the lagoons used by the Village are permitted to percolate up to 1/8" / day and have been designed with that in mind. The water surface area of the lagoons is 8.33 acres. This would contribute 1,379,600 cf of water back to the groundwater annually: $8.33 \text{ acres} \times 43,560 \text{ sf/ac} \times 1/8/12 \text{ vf} \times 365 \text{ days} = 1,379,600 \text{ cf}$.

b. We expect that the amount of water discharged to the Village's lagoons will increase over the next few years, since the truck stop at I-80 has indicated their desire to connect their sewer system to the Village sewer system. This would add approximately 41,400 gallons per day or 5535 cf per day to the Village lagoon system. The Village lagoon system was built in 1999 and is designed to discharge periodically to a dry gulch leading to the South Platte River. To date, there has been no such discharge. However, it is expected that when and if, the truck stop begins to contribute to the Village sewer system, that the lagoons will begin to operate as originally designed, that is, with a periodic discharge. We are anticipating that this discharge will be bi-weekly, over a continuous period of 3.5 days when discharging, at a rate of 346 gpm or 0.77 cfs. Periodic discharges will occur over a period of 155 days per year, from May 1 to October 4, annually.

5. a & b. Frankly, your Department's refusal to allow the new Village wells to be registered as replacement wells, has left the Village in a dilemma. The Village had already signed an agreement with the NRD to abandon all the wells in town, once the new wells could be placed on line, prior to your decision. Since, however, you do not recognize the new wells as replacement wells, for reasons that we frankly find astonishing, and are in direct opposition to the NRD's agreement with the Village, the Village must re-consider its options, if that is possible. Your position has basically deprived the Village of prior water rights, and jeopardized the future of the community and its ability to protect itself from the most basic life threatening dangers including fire protection. The Village's plans for its wells are contingent on your Department's plans to endanger the Village by denying water rights for the considerable investment that has already been made. If and when these new wells to the Village can be assured to be available for the future, it is likely that we will be able to tell you our final intent for the wells you reference.

The attitude's of the State and NRD's with regard to water issues are obviously tilted toward ag users. This demands that rules and regulations favor the ag user who can move quickly, and with almost no governmental oversight to drill, and place in operation, new wells. Municipalities are hamstrung by a myriad of regulations that ag users do not have to worry about including siting and water quality issues. If funding agencies are involved, this means an automatic review delay if nothing else than for review of test results and constructability. This places the municipal user at the distinct disadvantage of being discriminated against in the regulatory arena. What ag user has had to go through this process and, is it as rigorous if they do? It is our observation that the process that the Village is currently going through is a perpetuation of that discrimination. In this instance, 400 plus citizens of Big Springs have fewer rights than one ag owner.

Sincerely,



Thomas C. Werblow, P.E.

cc Village
South Platte NRD
RUS

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