

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matters of Applications MT-2)	
and MT-8 for Municipal and Rural)	ORDER OF DISMISSAL
Domestic Ground Water Transfers)	AND
Permits for the Village of Big)	ORDER GRANTING PERMIT
Springs, Nebraska.)	

These matters 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).

Based on the Applicant's filings, Application MT-8 replaced pending permit Application MT-2. For the purposes of consideration herein, these matters should be joined.

As to MT-2, the Director FINDS:

1. On October 6, 2003, the Village of Big Springs filed an application for a municipal and rural domestic ground water transfers permit, identified as Application MT-2 in Department records. According to the information provided by the Applicant, the wells included under Application MT-2 proved not to be feasible sources of municipal supply. Application MT-8 and the wells included under it are intended to take the place of the previous application.
2. On July 27, 2005, the Department received a letter from Thomas C. Werblow, consulting engineer for the Village of Big Springs, requesting on behalf of the Village to withdraw Application MT-2. The Applicant's filings demonstrate that the Village of Big Springs will not go forward with the withdrawal and transfer described in Application MT-2.

The written request of the Applicant to withdraw pending Application MT-2, along with the approval of Permit MT-8, renders Application MT-2 superfluous.

It is therefore ORDERED that Application MT-2 is DISMISSED.

As to MT-8:

The Department has reviewed Application MT-8, 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-8 is APPROVED with the following conditions:

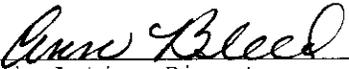
ord

1. As required by Neb. Rev. Stat. § 46-642(1) (Reissue 2004), the priority date shall be October 29, 2004.
2. The total rate of withdrawal from the Village's four existing public water supply wells shall not exceed 1,000 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 1,440,000 gallons per day. The average daily withdrawal from the four water wells shall not exceed 451,000 gallons nor shall the total annual quantity withdrawn exceed 164,574,899 gallons.
3. Ground water may be withdrawn and transferred from the existing public water supply wells identified as follows: G-035719 located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 13 North, Range 42 West of the 6th P.M.; G-037942, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 13 North, Range 41 West of the 6th P.M.; and G-135056 and G-135057, located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$, respectively, of Section 23, Township 12 North, Range 42 West of the 6th P.M., all in Deuel County, Nebraska. The water shall be used for domestic, fire suppression, and all other beneficial municipal purposes for the Village of Big Springs, Nebraska.
4. Because approval of the withdrawals requested under permit MT-8 is based in part on water-use information provided by the Village of Big Springs, the Department expects that actual water use will be maintained at current per-capita rates or lower. Consequently, the Village should develop and implement best management practices to ensure that the Village maintains water use at less than or equal to the current per capita rate.
5. Upon bringing water wells G-135056 and G-135057 into production, the Village shall decommission and abandon all remaining public water supply wells, which are identified as G-020997, G-035719, G-037942, G-125797, and G-125868. The Village shall notify the Department of any changes in the status of any of its existing wells on forms provided by the Department.
6. The Village of Big Springs shall properly register any replacement water wells constructed for the purpose of withdrawal of ground water under permit MT-8, pursuant to the requirements of Neb. Rev. Stat. § 46-602(1) (Reissue 2004).
7. 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 Village of Big Springs 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 46-229.04 (Cum. Supp. 2006) and § 46-229.05 (Reissue 2004).

8. All wells shall have flow meters installed, and, by January 31 of each year, the Village of Big Springs shall file in the office of the Department a completed "Public Water Supplier Ground Water Well Report" on a form provided by the Department.
9. The Village of Big Springs shall comply with all rules and regulations of the South Platte Natural Resources District and such future allocations or other controls required to comply with any interstate or other cooperative agreements.
10. 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

October 11, 2006


Ann Bleed, Acting Director

A copy of this Order dismissing Application MT-2 and granting Permit MT-8 was mailed on October 11, 2006, to the Department's field office in Bridgeport, Nebraska, and to the following:

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Big Springs, Nebraska 69147

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