

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Application MT-9)
for a Municipal and Rural Domestic)
Ground Water Transfers Permit for)
the City of North Platte,)
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-9, 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-9 is APPROVED with the following conditions:

1. As required by Neb. Rev. Stat. § 46-642(1) (Reissue 2004), the priority date shall be August 12, 2005.
2. The City of North Platte's two existing municipal transfer permits, A-10510 and A-16166, allow a combined maximum of 28,584,000 gallons per day to be withdrawn for North Platte's municipal use. Permit MT-9 has been requested to provide replacement water for the City as old wells, permitted under A-10510 and A-16166, are decommissioned and new wells at the proposed wellfield described in Paragraph 2 below are constructed. The combined total diversion under permits A-10510, A-16166, and MT-9 from all public water supply wells owned by the City of North Platte shall not exceed 20,000 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 28,800,000 gallons per day. The average daily withdrawal from the twenty-eight water wells shall not exceed 28,584,000 gallons nor shall the total annual quantity withdrawn exceed 4,000,000,000 gallons (12,275 acre-feet).

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3. Ground water may be withdrawn and transferred from the existing public water supply wells identified as follows: A-010510D, A-016166E, and A-016166H, generally located in Section 31; A-010510E, A-010510F, A-010510G, and A-010510H, generally located in Section 32; A-016166A and A-016166D, generally located in Section 33; and A-010510A, located in the NW1/4NW1/4 of Section 34, all in Township 14 North, Range 30 West of the 6th P.M.; A-010510J, located in the SW1/4NW1/4 of Section 3; A-010510B, located in the NW1/4NE1/4 of Section 4; A-010510C and A-016166G, generally located in Section 5; A-016166B and A-016166F, generally located in Section 6; A-016166C, located in the NE1/4SW1/4 of Section 9; and G-128222, located in the SW1/4NW1/4 of Section 17, all in Township 13 North, Range 30 West of the 6th P.M.; and from up to 10 proposed production wells to be constructed in Sections 17, 18, and 30, Township 15 North, Range 30 West of the 6th P.M., and in Sections 13, 23, 24, and 25, Township 15 North, Range 31 West of the 6th P.M., all in Lincoln County, Nebraska. The water shall be used for domestic, fire suppression, and all other beneficial municipal purposes for the City of North Platte.

4. Approval of permit MT-9 is based on the understanding that the withdrawals requested will be replacement water for that currently withdrawn under permits A-10510 and A-16166, rather than for additional water. Consequently, withdrawals under permits A-10510 and A-16166 shall decrease as withdrawals under MT-9 increase, such that the total quantity does not exceed those limits specified in Paragraph 2 above and does not result in new depletions to the Platte River system. Moreover, as new wells are constructed in the proposed wellfield described in Paragraph 3 above, each new well construction shall be matched by the decommissioning of older wells in the City, which currently fall under the City's older permits.

5. For one year from the date of this Order, the City of North Platte is hereby granted statutory spacing protection (1,000 feet) for any test holes or wells under construction at the proposed wellfield. This would affect the lands described as follows:

Township 15 North, Range 30 West, Lincoln County

Section 7: S½S½
 Section 8: S½S½
 Section 9: SW¼SW¼
 Section 16: W¼W¼
 Section 19: N½N½, W¼W¼, S½S½
 Section 20: N½N½, SW¼SW¼
 Section 21: NW¼NW¼
 Section 29: W¼W¼
 Section 31: N½N½
 Section 32: NW¼NW¼

Township 15 North, Range 31 West, Lincoln County

Section 11: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12: S $\frac{1}{2}$ S $\frac{1}{2}$
Section 14: E $\frac{1}{2}$ E $\frac{1}{2}$, S $\frac{1}{2}$ S $\frac{1}{2}$
Section 15: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 22: E $\frac{1}{2}$ E $\frac{1}{2}$
Section 26: N $\frac{1}{2}$ N $\frac{1}{2}$, E $\frac{1}{2}$ E $\frac{1}{2}$
Section 27: NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 35: NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 36: N $\frac{1}{2}$ N $\frac{1}{2}$

6. The City of North Platte shall properly register any new or replacement water wells constructed for the purpose of withdrawal of ground water under permits A-10510, A-16166, and MT-9, pursuant to the requirements of Neb. Rev. Stat. § 46-602(1) (Cum. Supp. 2006).
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 City of North Platte 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. The City of North Platte shall install a flow meter on each well, and, by January 31 of each year, the City of North Platte shall file in the office of the Department a completed "Public Water Supplier Ground Water Well Report", on a form provided by the Department, containing the monthly withdrawals by the City under permits A-10510, A-16166, and MT-9. For as long as such permits are active, withdrawals under existing permits A-10510 and A-16166 shall continue to be reported on separate forms, and any withdrawals from wells not included under A-10510 and A-16166 shall be listed on the MT-9 reporting form. The City of North Platte shall also report to the Department, by January 31 of each year, the monthly quantities of wastewater discharged by the City of North Platte from its wastewater treatment plant to the Platte River or its tributaries.
9. The City of North Platte shall comply with all rules and regulations of the Twin Platte Natural Resources District and such future allocations or other controls required to comply with the Ground Water Management and Protection Act and any interstate compacts or other cooperative agreements.

10. When deemed necessary, and in accordance with Neb. Rev. Stat. § 46-613.01(3) and (4) (Reissue 2004), the Department shall review the withdrawals by and wastewater returns from the City of North Platte to ensure that ground water and surface water users have not been negatively impacted and to ensure that the permitted project has not generated new depletions to the Platte River.
11. 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

April 30, 2007


Ann Bleed, Director

A copy of this Order granting Permit MT-9 was mailed on April 30, 2007, to the Department's field office in Bridgeport, Nebraska, and to the following:

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