



**Dave Heineman**  
Governor

# STATE OF NEBRASKA

**DEPARTMENT OF NATURAL RESOURCES**  
**Ann Bleed**  
Acting Director

January 10, 2007

IN REPLY TO:

**TA-38**  
**I-15**

Bruce Nienhueser  
11943 Road 2  
Sidney, Nebraska 69162

Dear Mr. Nienhueser:

The Department is currently reviewing your applications for a permit to transfer ground water to an adjoining state (TA-38) and for an industrial ground water transfer permit (I-15). As we discussed in our telephone conversation yesterday afternoon, the Department cannot accept the proposed change in cropping pattern as an offset for the 38 acre-feet requested under TA-38 and I-15. Using the average net corn crop irrigation requirement for Cheyenne County (see the map at <http://www.dnr.ne.gov/SurfaceWater/CountyMapIrrReq.pdf>) of 14 inches, the Department has calculated that the irrigation on 32.5 acres, or an equivalent water use in the same area, would need to be retired in order to offset the amount of the proposed transfer. The offset may take the form of the retirement of irrigated acres, or an alternative method may be submitted to the Department for consideration.

We appreciate your assistance in this matter. Please respond by March 10, 2007, so that processing of applications TA-38 and I-15 can continue. If you have any questions, please call me at (402) 471-0584.

Sincerely,

Tracy Zayac  
Natural Resources Program Specialist

cc: Rod Horn, South Platte NRD  
Tom Hayden

permits & registrations/surface water/zayac

cox