



SOUTH PLATTE NATURAL RESOURCES DISTRICT

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(308) 254-2377 FAX (308) 254-2783 www.spnrd.org

December 11, 2008

Tracy Zayac, Natural Resources Program Specialist
Nebraska Department of Natural Resources
P.O. Box 94676
Lincoln, Nebraska 68509-4676

RECEIVED
DEC 15 2008
DEPARTMENT OF
NATURAL RESOURCES

Re: NRD Consultation for (Bruce Nienhueser) Applications TA-43 and I-15A

Dear Tracy:

Enclosed is the completed consultation form, dated November 12, 2008, for permit applications to transfer ground water to an adjoining state (TA-43) and for an industrial ground water transfers permit (I-15A), filed by Bruce Nienhueser. The South Platte NRD Board of Directors at its December 9, 2008 meeting discussed Mr. Nienhueser's permit applications.

Mr. Nienhueser's existing permits to transfer ground water to an adjoining state (TA-38) and industrial ground water transfer permit (I-15) were approved by the board at its January 9, 2007 regular meeting and expire December 31, 2008. By law, Mr. Nienhueser was unable to amend TA-38, thus filing permit application TA-43. Both TA-38 and TA-43 are similar, except Mr. Nienhueser notes in his application that TA-43 will be finished on November 15, 2012. He amended I-15 for four more years, which will also expire November 15, 2012. The amended permit application is number I-15A. The amount of water for which the permits are requested and the purposed use are the same as the current permits (TA-38 and I-15).

The board took action on Mr. Nienhueser's permit applications (TA-43 and I-15A) in the following manner:

1. The District will not require a permit from Mr. Nienhueser. His transfer request is within the District's Districtwide Ground Water Management Area Rules and Regulations. The ground water will be transferred via discharge pipe from irrigation well (#G-094357A) south to a holding pond that is located on Mr. Nienhueser's property located in the SW $\frac{1}{4}$ of Section 15-T12N-R49W and the SW $\frac{1}{4}$ of Section 22-T12N-R49W. Subsequently, the ground water will be transferred to Logan County, Colorado as described in the permit applications.
2. A flow meter has been installed on the discharge pipe that will transfer the ground water from the irrigation well (Registration #G-094357A) to the holding pond storing the water. A flow meter has been installed on the pivot system and will measure water pumped from both irrigation wells #G-094357A and #G-094357B. Mr. Nienhueser's wells and certified irrigated acres/tract are located in the Tableland Allocation Subarea in the southern portion of Cheyenne County, Nebraska. The initial allocation is 80" over a 4-year allocation period beginning in 2009.

nra

All ground water pumped for agricultural and industrial purposes as stated in this situation will be deducted from the allocation amount provided Mr. Nienhueser in accordance with the District's rules and regulations.

3. Mr. Nienhueser has modified his irrigation well registrations (#G-094357A and #G-094357B) to include a secondary commercial/industrial entry on the well's registration form.

4. The District will monitor the proposed ground water transfer under the above permit applications. We will perform periodic inspections throughout the growing season to determine compliance with the permit applications. The District at reasonable times will read the meters. Mr. Nienhueser will be required to maintain the meters in good working order.

5. Mr. Nienhueser 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 the Ground Water Management and Protection Act and any interstate compacts, decrees, or other cooperative agreements.

Please call me if you have questions, comments and/or concerns.

Cordially,



Rod L. Horn, General Manager
South Platte Natural Resources District

RLH/s

pc: Keith Rexroth, SPNRD Chair
Paul Hutchison, SPNRD Director
Kyle Liebig, Water Resources Coordinator
Bruce Nienhueser

Enclosures



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES
Brian P. Dunnigan, P.E.
Acting Director

November 12, 2008

RECEIVED

IN REPLY TO:

DEC 15 2008

DEPARTMENT OF
NATURAL RESOURCES

TO: Rod Horn, Manager
South Platte Natural Resources District

FROM: Tracy Zayac, Natural Resources Program Specialist

SUBJECT: NRD consultation for applications TA-43 and I-15A

Please review the attached application and complete the following based on your review.

1. Does this application conform to the District's rules? Yes No
If no, please describe, and state whether the applicant can come into compliance with District rules. If the applicant can come into compliance, then please describe the actions that need to be taken to bring the applicant into compliance with District rules.

Refer to letter addressed to Tracy Zayac, from Rod L. Horn, dated December 11, 2008.

2. Does the District have any concerns regarding the proposed project? Yes No

If yes, please explain: _____

Refer to letter addressed to Tracy Zayac, from Rod L. Horn, dated December 11, 2008.

Rod L. Horn
Name and Title

12-11-08
Date

We appreciate your assistance in this matter. If you have questions or need additional information to complete your review, please contact Tracy Zayac at (402) 471-0584.

Please return this completed and signed form **AND** the additional information requested in the attached letter to Department of Natural Resources, P.O. Box 94676, Lincoln, NE 68509-4676.