

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING PERMIT TO TRANSFER GROUND WATER TO AN ADJOINING STATE

The Director of the Department of Natural Resources (Department) approves Application TA-46, submitted by Pine Bluffs Gravel and Excavating, Inc., for a permit to transport ground water to Colorado for industrial use.

The terms and conditions of permit TA-46 are as follows:

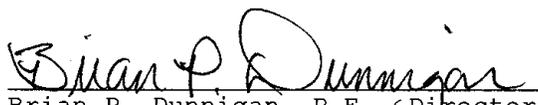
1. Permit TA-46 authorizes Pine Bluffs Gravel and Excavating, Inc. to transport ground water obtained from its service connection in the City of Kimball, Nebraska, and transport the water for the construction of wind power generation facilities and roads in northern Logan and Weld Counties, Colorado.
2. The total amount of ground water that may be transferred to Colorado in a one-year period shall not exceed 10 acre-feet (3,258,510 gallons).
3. The maximum rate of transfer of ground water to Colorado shall not exceed 75,000 gallons per day.
4. Pine Bluffs Gravel and Excavating, Inc. may transport ground water from its service connection in the City of Kimball, Nebraska, which is supplied by the following existing public water wells: G-060621, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 8; G-060622, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8; and G-095192, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 5, all in Township 15 North, Range 55 West of the 6<sup>th</sup> P.M. in Kimball County, Nebraska.
5. Pine Bluffs Gravel and Excavating, Inc. 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, any interstate compacts or decrees, or any other formal state contract or agreements.
6. Pine Bluffs Gravel and Excavating, Inc. shall provide access to the property described herein at reasonable times for purposes of inspection by officials of the South Platte Natural Resources District or of the Department.
7. Pine Bluffs Gravel and Excavating, Inc. shall notify the Department of any changes in the place of use or nature of use.

8. Pine Bluffs Gravel and Excavating, Inc. shall track the amount of ground water transported from its Kimball facility to Colorado and, by January 31 of each year, shall file in the office of the Department a completed "Water Transfer Ground Water Well Report" on a form provided by the Department.

THIS PERMIT MAY BE REVOKED OR MODIFIED BY THE DEPARTMENT FOR FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE PERMIT.

DEPARTMENT OF NATURAL RESOURCES

April 26, 2010

  
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Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing, in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of this Order and must be accompanied by a filing fee of \$10.

A copy of this Order granting Permit TA-46 was mailed on April 26, 2010, to the Department's field office in Bridgeport, Nebraska, and to the following:

Doug Keller, Operations Manager  
Pine Bluffs Gravel and Excavating, Inc.  
P.O. Box 609  
Pine Bluffs, Wyoming 82082-0609

Harold M Farrar, City Administrator  
City of Kimball  
223 South Chestnut Street  
Kimball, Nebraska 69145

Rod Horn, Manager  
South Platte Natural Resources District  
551 Parkland Drive  
P.O. Box 294  
Sidney, Nebraska 69162