STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING PERMIT TO TRANSFER GROUND WATER FOR MUNICIPAL AND RURAL DOMESTIC USE

The Director of the Department of Natural Resources (Department) approves Application MT-47, submitted by the City of Humboldt, Nebraska, for a permit to withdraw and transport ground water for municipal and rural domestic use.

The terms and conditions of Permit MT-47 are as follows:

1. Permit MT-47 authorizes the City of Humboldt to withdraw and transfer ground water from four existing public water supply wells. Withdrawal and transfer of ground water under permit MT-47 shall not exceed 611 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 880,000 gallons per day (gpd).

2. The average daily withdrawal and transfer of ground water shall not exceed 214,000 gpd.

3. The total amount of ground water that may be transferred in a one-year period shall not exceed 78,110,000 gallons.

4. The priority date shall be June 17, 2014, as required by *Neb. Rev. Stat.* § 46-642(1).

5. Ground water may be withdrawn and transferred from the existing public water supply wells identified as follows: G-027713 and G-070736, located in the NW¼NW¼ of Section 15, Township 3 North, Range 13 East of the 6th P.M. in Richardson County, Nebraska; and G-163338 and G-163343, located in the NW¼SW¼ of Section 1, Township 3 North, Range 12 East of the 6th P.M. in Pawnee County, Nebraska.

6. The water shall be used for domestic, fire suppression, and all other beneficial municipal purposes for the service area of the City of Humboldt, Nebraska, and for all beneficial rural domestic purposes for the service area of the Richardson County Rural Water District #1, shown on maps filed in support of Application MT-47.

7. Approval of this permit is based on the information included and representations made in Application MT-47 by the City of Humboldt. That information and those representations are considered terms of this approval, to which the City of Humboldt must adhere.

8. The City of Humboldt must develop and implement best management practices to ensure that the City maintains its customers' per-capita water use at rates less than or equal to the rates stated in the application.

9. The City of Humboldt shall install a flow meter on each well, and, by January 31 of each year, the City shall file in the office of the Department a completed "Public Water Supplier Ground Water Well Report", on a form provided by the Department.

   A. The City shall report separately the amount of water transferred to the Richardson County Rural Water District #1 and the City of Humboldt, respectively, in each calendar year.

10. The City of Humboldt must comply with all state and federal laws and the regulations of the Department and the Nemaha Natural Resources District (NRD), including, but not limited to, the following:

   A. Any replacement water wells must be registered as required by *Neb. Rev. Stat.* § 46-602(1).

11. Permit MT-47 shall be valid for five years after the date of this Order and as long thereafter as the water for which the permit is granted is placed to beneficial use. If the City of Humboldt has not used water for beneficial purposes and in accordance with the terms of this permit for more than five years, the permit may be revoked or modified by the Director pursuant to *Neb. Rev. Stat.* § 46-644. The procedure for such revocation or modification is provided for in *Neb. Rev. Stat.* §§ 46-229.02 to 46-229.05.

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

January 22, 2015

James C. Schneider, Ph.D., Acting 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 *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of $10.

A copy of this Order granting Permit MT-47 was posted on the Department's website and provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed on January 22, 2015, to the following:

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