STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19392 AND MAP NUMBER 19373

WATER DIVISION 1-A

BACKGROUND

1. On July 14, 2004, the Department of Natural Resources (Department) issued a formal moratorium on all new surface water appropriations in the Platte River Basin upstream of the confluence with the Loup River near Columbus, Nebraska. The moratorium included all tributary streams above the Loup River confluence including the North and South Platte Rivers and tributaries.

2. On September 22, 2015, Don Kraus, on behalf of the Central Nebraska Public Power and Irrigation District (Petitioner), filed Petition VAR-5528 for Leave to File an Application for a Permit to Appropriate Water. The proposed application is for a temporary permit to appropriate less than 10 acre-feet of water for the purpose of public road construction from the Platte River via the Tri-County Canal headgate located in Section 08, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County.

3. On October 15, 2015, the Department granted petition VAR-5528 for leave to file an application for a new surface water permit within a moratorium area.

4. On October 21, 2015, Sean Burklund, on behalf of Brandt Excavating and the Central Nebraska Public Power and Irrigation District, filed in the Department of Natural Resources (Department) application A-19392 for a temporary Permit to Appropriate Water.

5. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-19392 and map number 19373 are APPROVED subject to the following limitations and conditions:

1. The source of water is the Platte River via the headgate of the Tri-County Supply Canal located in Section 08, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County.

2. Water will be used for the purpose of public road construction.

3. The priority date is October 21, 2015.

4. Water will be withdrawn from the Tri-County Supply Canal at a point of diversion located in the NW¼SE¼ of Section 05, Township 10 North, Range 25 West of the 6th P.M. in Dawson County.

5. The rate water may be diverted under appropriation A-19392 shall not exceed 0.45 cubic feet per second (200 gallons per minute). The total amount of water diverted shall not exceed 5 acre-feet.

6. A 24 hour notice shall be given to the Bridgeport Field Office before diversions commence. The telephone number for the Bridgeport Office is (308) 262-1930.

7. This appropriation EXPIRES one year from the date of this Order and appropriation A-19392 will be CANCELLED without further action by the Department as of that date.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

November 17, 2015

Gordon W. Fassett, 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 *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 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 order and be accompanied by a filing fee of $10.

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19373 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order, map number 19373 were mailed on November 17, 2015, to the following:

Central Public Power and Irrigation District
P.O. Box 740
Holdrege, Nebraska 68949-0740

Sean Burklund
Brandt Excavating
P.O. Box 23014
Lincoln, Nebraska 68542