

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19364

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 April 21, 2015, Don Kraus, P.E., General Manager of The Central Nebraska Public Power and Irrigation District (CNPPID), filed Petition VAR-5392 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 from the Platte River via the Tri-County Canal headgate located in Section 8, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County, for the purpose of public road construction.
3. On May 11, 2015, the Department granted CNPPID leave to file an application for a permit to appropriate water within a moratorium area by petition VAR-5392.
4. On May 15, 2015, Don Kraus, P.E., General Manager of CNPPID filed in the Department application A-19364 for a temporary permit to appropriate water from the North Platte River, via the Tri-County Canal, for the purpose of public road construction.
5. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-19364 is APPROVED subject to the following limitations and conditions:

1. The source of water is the North Platte River, via the headgate of the Tri-County Canal.
2. The water shall be used for the purpose of construction of a road bridge.
3. The priority date is May 15, 2015.

4. Water may be diverted at a maximum rate of 1 cubic foot per second (449 gallons per minute) and a total volume of 5 acre-feet, measured at the headgate of the Tri-County Canal located in Section 8, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County, and the diversion by pump from the canal will be located in the SW¹/₄SW¹/₄ of Section 27, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County.
5. This appropriation EXPIRES one year from the date of this Order and appropriation A-19364 will be CANCELLED without further action by the Department as of that date.

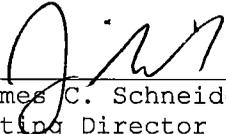
ADDITIONAL INFORMATION

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

June 5, 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 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 approval was posted on the Department's website and provided to the Department's field offices in Bridgeport, and North Platte, Nebraska. A copy of this approval was mailed on June 5, 2015, to the following:

Don Kraus, P.E., General Manager
Central Nebraska Public Power and
Irrigation District
P.O. Box 740
Holdrege, Nebraska 68949-0740

Phillip Leising
Leising, Inc.
72760 Highway 283
Arapahoe, Nebraska 68922