

**STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES**

PETITION TO THE NEBRASKA DEPARTMENT OF NATURAL RESOURCES
FOR LEAVE TO FILE OR CONSIDER AN APPLICATION FOR A NEW
SURFACE WATER APPROPRIATION WITHIN A MORATORIUM OR STAY AREA
UNDER TITLE 457 N.A.C. CHAPTER 23

<p>Complete items 1 through 5 by printing in ink or typing the appropriate information and by placing an X in the appropriate box. Attach supporting documentation and a \$10 non-refundable filing fee.</p>	<p>For Department Use Only</p>
<p>1. Name and address of petitioner:</p> <p>Paxton-Hershey Water Company 22431 West Platte Valley Road Hershey NE 69143-5333</p> <p>E-mail address: _____ Telephone No. (308) 368-5248</p>	<p>Modification No.: VAR-3562 Date Filed: February 25, 2013 Time Filed: 8:03 AM SW Appropriation No.: _____ (if applicable) Right ID No.: _____ (if applicable) Water Division: 1-A Receipt No.: A-3892 Amount: 10.00</p>
<p>2. Check the situation that applies:</p> <p><input type="checkbox"/> Application Already Filed Application Number: _____</p> <p><input checked="" type="checkbox"/> Application Not Filed (Enclose copy of proposed application)</p>	
<p>3. Description of proposed project:</p> <p>In the non-irrigation season, divert excess streamflows for the purpose of recharging the aquifer, via the existing Paxton-Hershey Canal NF head gate located in the SW 1/4 NW 1/4 Section 18, T14N, R33W, of the 6th P.M. in the Lincoln County from the North Platte River</p>	
<p>4. The Proposed Project — (Check all that apply):</p> <p><input type="checkbox"/> 001.01 — Is a non-consumptive use</p> <p><input type="checkbox"/> 001.02 — Will replace (offset) any consumptive use (Attach Offset Plan)</p> <p><input checked="" type="checkbox"/> 001.03 — Is for possible unappropriated water (Attach Analysis)</p> <p><input type="checkbox"/> 001.04 — Existed before the stay or moratorium (Attach Proof)</p> <p><input type="checkbox"/> 001.05 — Addresses a public safety issue (Attach Explanation)</p> <p><input type="checkbox"/> 001.06 — Is a temporary use for public construction (<10 AF)</p>	
<p>5. Other reason why a variance should be granted:</p> <p>Granting the variance will allow the applicant to provide broad benefits to local, regional and state interests. Specifically, the augmented flows will provide habitat for species as intended by the multi-state Platte River Cooperative Agreement. Augmented flow will further assist the applicant, Platte River Basin NRDs, and the State of Nebraska meet their water obligation under the PRIP and LB 962.</p> <p>See attachment</p>	
<p>11-9-12 Date</p>	<p><i>Rex Boyce</i> Signature of Applicant (or authorized agent)</p>

Send to the following address (along with \$10 non-refundable filing fee):

State of Nebraska
Department of Natural Resources
301 Centennial Mall South / PO Box 94676
Lincoln, Nebraska 68509-4676
(402) 471-2363

MOD-02252013-3562-Pet1

COPY

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPLICATION FOR A PERMIT TO APPROPRIATE WATER

Complete items 1 through 10 by printing in ink or typing the appropriate information and by placing an X in the appropriate box.

For Department Use Only

1. Name and address of owner of land under proposed project. Names must be exactly as described on the deed or document transferring ownership of property. Landowner must sign the application.

Paxton-Hershey Water Company
22431 West Platte Valley Road
Hershey NE 69143-5333

Filed in the office of the Department of
Natural Resources at _____ a.m./p.m.

on _____

Application No. _____

Map No. _____

Water Division _____

Receipt No. _____ Amount _____

Right ID _____

E-mail address: _____ Telephone No. (308) 368-5248

2. Name, address, and telephone number of applicant if different than landowner.

E-mail address: _____ Telephone No. () _____

3a. A permit is sought to:

Use natural flow Use impounded water*

3b. A permit is sought for the purpose of:

Irrigation Manufacturing Domestic
 Other _____
 Temporary** Ground Water Recharge

4a. Identify the source of water (name of stream or reservoir).

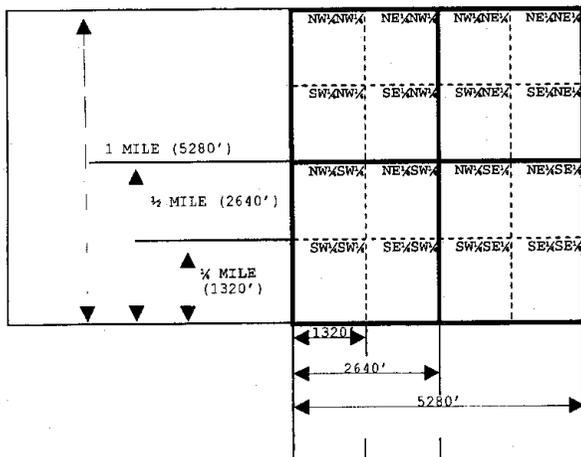
North Platte River

4b. If applicable, identify the facility name for transporting water from the source (portable pump, name of canal or pipeline).

Paxton-Hershey Irrigation Ditch

5. Identify the location of the Headgate Pump

Section 18, Township 14 North, Range 33 E W County Lincoln



The box at left represents one square mile (section). Place an X within each appropriate 40-acre tract to indicate the location(s) of each headgate or pump.

If applicable, indicate the height, in feet, of any diversion or check dams on the line below.

* A separate permit to impound water must be obtained.

** A temporary permit may be granted for a maximum of one year.

6. If applicable, identify the location of lands by 40-acre subdivisions that will be irrigated.

LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres	LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres
TOTAL NUMBER OF ACRES TO BE IRRIGATED:									0.0

Enclosed is an aerial photograph that I have marked to show the approximate location of land to be irrigated as described above.

7. State the approximate quantity of water desired for

appropriation. 60

- Gallons per minute
 Cubic feet per second
 Acre-feet (impounded water)

8a. State the estimated time required for completion of all water diversion facilities.

All facilities completed

8b. State the earliest date when water will have been used for beneficial purposes.

early spring 2013 (see attachment)

9. Will this project be constructed under a federal program, receive federal funding, or have federal planning assistance?

No Yes If yes, explain: _____

10. I certify that am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

11-9-12
 Date

Lee Boyce president
 Signature of owner or owner's authorized agent (with proper documentation)

A final project map may accompany this application or must be filed within six months following departmental approval of this application, drawn in accordance with NAC Title 457 – Rules for Surface Water, Chapter 10, (http://dnr.ne.gov/SurfaceWater/Title_457_0608.pdf). At the request of the applicant, the Department will assist with preparation of the project map.

This form must be completed in full. An incomplete or defective application will be returned with 90 days being allowed for resubmission. Failure to resubmit a corrected application within this period shall cause dismissal of the application and consequent loss of priority and fees.

A non-refundable filing fee, payable to the Department of Natural Resources, computed from the table below must accompany this application. Forward this application and applicable fees to:

State of Nebraska
 Department of Natural Resources
 301 Centennial Mall South / P.O. Box 94676
 Lincoln, Nebraska 68509-4676
 (402) 471-2363

Nature of Use	Cost	Nature of Use	Cost
Domestic.....	\$10	Manufacturing	
Agricultural		General.....	\$10
Irrigation from Stream		Power Generation for each theoretical 50 horsepower.....	\$5
0-1,000 acres.....	\$200	Other.....	\$10
Each additional 1,000 acre unit.....	\$100		
or portion thereof in excess of the first 1,000 acre unit			
Irrigation from Storage Reservoir			
0-1,000 acres.....	\$50		
or portion thereof in excess of the first 1,000 acre unit			
Each additional 1,000 acre unit.....	\$25		
or portion thereof in excess of the first 1,000 acre unit			