

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Application MT-40)
for a Municipal and Rural Domestic) NOTICE
Ground Water Transfers Permit.)

Notice is hereby given that the Western Nebraska Joint Water Board (Applicant) has filed an application for a permit under the provisions of the Municipal and Rural Domestic Ground Water Transfers Permit Act, Neb. Rev. Stat. §§ 46-638 through 46-650. Application MT-40 requests a permit to withdraw 176,273,381 gallons (approximately 541 acre-feet) per year from the Western Nebraska Joint Water Board's existing production well, identified in the Department's records as G-155040 and located in [REDACTED] and from two proposed production wells to be constructed in the [REDACTED], all in [REDACTED] in Scotts Bluff County, Nebraska. The water will be transported for municipal use in the service areas of the Villages of Henry, Lyman, and Morrill, Nebraska. The Application may be viewed at the Department's office in Lincoln. Contact Tracy Zayac at 402-471-2363 to arrange a time to see the Application.

The criteria that the Department must consider in determining whether to grant or deny a permit under the Municipal and Rural Domestic Ground Water Transfers Permit Act are specified in Neb. Rev. Stat. § 46-613.01, subdivisions (1) through (7), and listed below:

- (1) The nature of the proposed use and whether it is a beneficial use of ground water;
- (2) The availability to the applicant of alternative sources of surface or ground water;
- (3) Any negative effect of the proposed withdrawal on ground water supplies needed to meet present or reasonable future demands for water in the area of the proposed withdrawal, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement;
- (4) Any negative effect of the proposed withdrawal on surface water supplies needed to meet present or reasonable future demands within the state, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement;
- (5) Any adverse environmental effect of the proposed withdrawal or transportation of ground water;
- (6) The cumulative effect of the proposed withdrawal and transfer relative to the matters listed in subdivisions (3) through (6) of this section when considered in conjunction with all other transfers subject to this section; and
- (7) Any other factors consistent with the purposes of this section that the director deems relevant to protect the health, safety, and welfare of the state and its citizens.

Any person with a legal or equitable interest in the subject matter may object to the Application and request a hearing by filing a formal written objection and request for hearing, accompanied by a \$10 filing fee, with the Department of Natural Resources, P.O. Box 94676, Lincoln, NE 68509-4676, Attention: Tracy Zayac, by November 8, 2012. Objections

may be filed by the interested person or by an attorney on behalf of the interested person. The objection must include the following:

1. Your name, address, and contact information, and the same information for the attorney;
2. Identification number of the Application to which you are objecting;
3. A description of your qualifying legal or equitable interest in the subject matter; and
4. A specifically stated basis for your objection, referring to one or more of the criteria listed above.

If you also want a hearing, you must state that you want a hearing. If the objection does not contain a request for a hearing, then none will be held, and the objection will be placed in the Application file and considered by the Department when making the decision whether or not to issue the permit.

DEPARTMENT OF NATURAL RESOURCES

Mike Thompson

Mike Thompson, Division Manager
Permits and Registrations

October 10, 2012