

G-155040
G-162496
G-162497

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING PERMIT TO TRANSFER GROUND WATER FOR MUNICIPAL USE

The Director of the Department of Natural Resources (Department) approves Application MT-40, submitted by the Western Nebraska Joint Water Board, for a permit to withdraw and transport ground water for municipal use.

The terms and conditions of permit MT-40 are as follows:

1. Permit MT-40 authorizes the Western Nebraska Joint Water Board to withdraw and transfer ground water from three existing public water supply wells. Withdrawal and transfer of ground water under permit MT-40 shall not exceed 750 gallons per minute per well maximum, nor shall the maximum rate of withdrawal exceed 1,620,000 gallons per day (gpd).
2. The average daily withdrawal and transfer of ground water shall not exceed 482,941 gpd.
3. The total amount of ground water that may be transferred in a one-year period shall not exceed 176,273,381 gallons.
4. The priority date shall be May 13, 2011, 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 Ground water may be withdrawn and transferred from the existing public water supply wells identified as follows: G-155040, located in [REDACTED]; G-162496, located in the [REDACTED]; and G-162497, located in the [REDACTED] all in [REDACTED] in Scotts Bluff County, Nebraska.
6. The water shall be used for domestic, fire suppression, and all other beneficial municipal purposes for the service area of the Western Nebraska Joint Water Board, shown on maps filed in support of Application MT-40. This service area includes the Villages of Henry, Lyman, and Morrill, Nebraska.
7. Approval of this permit is based on the information included and representations made in Application MT-40 by the Western Nebraska Joint Water Board. That information and those representations are considered terms of this approval, to which the Western Nebraska Joint Water Board must adhere.
8. The Western Nebraska Joint Water Board shall install a flow meter on each well, and, by January 31 of each year, the Western Nebraska Joint Water Board shall file a completed "Public Water Supplier Ground Water Well Report" in the office of the Department, on forms provided by the Department.

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- 9. The Western Nebraska Joint Water Board must comply with all state and federal laws and the regulations of the Department and the North Platte Natural Resources District, including, but not limited to, the following:
 - A. Any replacement water wells must be registered as required by Neb. Rev. Stat. § 46-602(1).
 - B. The withdrawal and transfer must be in accordance with the provisions of the integrated management plan developed by the North Platte Natural Resources District.

- 10. This permit shall be valid for five years after the Order date and as long thereafter as the water for which the permit is granted is placed to beneficial use. If the Western Nebraska Joint Water Board 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 31, 2013


 Brian P. Dunnigan, 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 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-40 was mailed on January ____, 2013, to the Department's field office in Bridgeport, Nebraska, and to the following:

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 Western Nebraska Joint Water Board
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 Morrill, Nebraska 69358

Ron Cacek, Manager
 North Platte Natural Resources District
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 Scottsbluff, Nebraska 69363-0280

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 818 South Beltline Highway
 Scottsbluff, Nebraska 69361