

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF PETITION VAR-6125 FOR LEAVE TO FILE OR CONSIDER

AN APPLICATION FOR A NEW SURFACE WATER APPROPRIATION

WITHIN A MORATORIUM OR STAY AREA

WATER DIVISION 2-C

BACKGROUND

1. On June 29, 2015, the Middle Niobrara Natural Resources District (District) placed an immediate 180-day temporary stay on the addition of irrigated groundwater acres.
2. By letter dated June 9, 2015, the District requested the Department of Natural Resources (Department) place an immediate temporary stay on the issuance of new surface water appropriations during the same time period.
3. Effective December 26, 2015, the temporary stay on the issuance of any new surface water appropriations was continued. The stay was to be in place until February 4, 2020, or such time that surface water controls contained in the District's Integrated Management Plan (IMP) had been implemented.
4. On February 27, 2017, James R. O'Keif, on behalf of O'Kief Brothers, filed in the Department of Natural Resources (Department) petition VAR-6125 for leave to file an application for a new surface water appropriation within a moratorium or stay area.
5. Effective December 30, 2020, the Department and the District adopted a voluntary IMP.
6. The status of petition VAR-6125 is pending.
7. The stay is no longer in effect; therefore, petition VAR-6125 should be dismissed.

ORDER

IT IS HEREBY ORDERED petition VAR-6125 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

January 5, 2024

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed to the following:

O'Kief Brothers  
89049 Fairfield Road  
Wood Lake, Nebraska 69221