

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING PERMIT MT-49 TO TRANSFER GROUND WATER FOR MUNICIPAL USE

The Director of the Department of Natural Resources (Department) approves Application MT-49, submitted by the City of Gering, Nebraska, on behalf of the City of Terrytown, Nebraska (Applicants), for a permit to withdraw and transport ground water for municipal use.

The terms and conditions of Permit MT-49 are as follows:

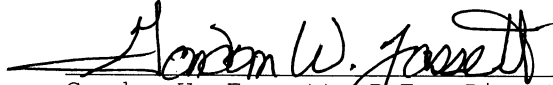
1. Permit MT-49 authorizes the City of Gering to withdraw and transfer ground water to the City of Terrytown from 4 existing public water supply wells. Withdrawal and transfer of ground water under permit MT-49 shall not exceed 1,044 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 1,156,195 gallons per day (gpd).
2. The average daily withdrawal and transfer of ground water shall not exceed 428,220 gpd.
3. The total amount of ground water that may be transferred in a one-year period shall not exceed 156,300,300 gallons.
4. The priority date shall be August 2, 2016, 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 Ground water may be withdrawn and transferred from the existing public water supply wells identified as follows: G-150205, G-150778, G-150779 and G-150780, all generally located in the [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 City of Terrytown, shown on maps filed in support of Application MT-49.
7. Approval of this permit is based on the information included and representations made in Application MT-49 by the Cities of Gering and Terrytown. That information and those representations are considered terms of this approval, to which the Applicants must adhere.
8. The Applicants must develop and implement best management practices to ensure that the City of Terrytown maintains its customers' per-capita water use at rates less than or equal to the rates stated in the application.
9. The City of Gering shall install a flow meter(s), such that all ground water withdrawn and transferred to the City of Terrytown will be measured, and, by January 31 of each year, the City of Gering shall file in the office of the Department a completed "Public Water Supplier Ground Water Well Report", on a form provided by the Department.

10. The City of Gering must comply with all State and federal laws and the regulations of the Department and the North Platte Natural Resources District (NPNRD), including, but not limited to, the following:
 - A. Any new or 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 (IMP) developed by the Department and the NPNRD.
11. In order to ensure compliance with the overappropriated Basin-Wide IMP (BWIMP), the joint NPNRD/Department IMP and NPNRD rules as they exist as of the date of this Order, the Department recognizes the following:
 - A. Depletions to streamflow caused by the increased production of the City of Gering's wellfield and the change in location of groundwater withdrawal under MT-49 may affect the ability of surface water appropriators to divert their full amount of natural flow from the North Platte River according to their respective surface water appropriations located in the reach of the North Platte River beginning at the location of the wellfield subject to MT-49 and ending at the location of the City of Terrytown's older public water supply wells. The depletions which will occur as a result of the City of Gering's increase of ground water withdrawal which are in excess of historical overall depletions in the reach have been addressed by mitigation activities undertaken by the Applicants and the NPNRD as described below.
 - B. To address depletions to streamflow that occur in the above mentioned stream reach of the North Platte River, the NPNRD, and the Applicants have agreed on an appropriate method of mitigation for the streamflow depletions attributable to increased ground water withdrawal from the City of Gering's wellfield for the benefit of Terrytown. The mitigation plan has been adopted by the Applicants and the NPNRD. By agreement, the NPNRD shall transfer 280 acre-feet, equivalent to a rate of flow of 0.93 cfs, which has accrued to the credit of the NPNRD as a result of the NPNRD's water management programs, to provide mitigation of the Applicant's irrigation season impacts. The transferred streamflow credit accrued to the NPNRD in accordance with NPNRD rules.
12. Permit MT-49 shall be valid for five years after the date of this Order and as long thereafter as the water for which the permit is granted is placed to beneficial use. If the City of Gering 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

May 2, 2018


Gordon W. Fassett, 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-49 was posted on the Department's website and provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed on May 2, 2018, to the following:

City of Gering
Lane Danielzuk, City Administrator
2310 Shadow Ridge Drive
Gering, Nebraska 69341

North Platte Natural Resources District
John Berge, Manager
100547 Airport Road
Gering, Nebraska 69363

City of Terrytown
Kent Greenwalt, Mayor
116 Terry Boulevard
Gering, Nebraska 69341

Jeff Wolfe, City Engineer
M.C. Schaff & Associates
818 South Beltline Highway East
Scottsbluff, Nebraska 69361