

For Department Use Only

- Right ID 13976

- ☒ Temporary** Temporary construction to compact soil

- Portable pump

- N/A

**** A temporary permit maybe 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, ⁷³

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

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

weeks

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

August 31, 2021

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.

August 31, 2021

Date

Paul Turner

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.nebraska.gov/swr/surface-water-rules>). 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			

FOR AND IN CONSIDERATION OF THE SUM OF Eleven and No/100.....DOLLARS,

to the grantors paid, the receipt of which is hereby acknowledged, _____

Joshua L. Brown, & Jennie C. Brown (Husband & Wife)

herein called Grantors, hereby grant unto PLATTE PIPE LINE COMPANY, a Delaware corporation, hereafter called Grantee, its successors and assigns, the right to lay, maintain, inspect, operate, protect, repair, replace and remove a pipe line and equipment and apparatus therefor, for the transportation of liquids and/or gases on, over and through the following described land of which

grantors warrant they are the owners in fee simple, situated in Keith County, State of Nebraska to-wit:

Northeast Quarter of Section Twenty-five (25), Township Thirteen (13) North,

Range Forty-one (41) West. (SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and Lots 1 & 2)

together with the right of unimpaired access to said pipe line and the right of ingress and egress on, over and through said land for any and all purposes necessary and incident to the exercise by said grantee of the rights granted hereunder.

The said grantors have the right to fully use and enjoy the said premises except as the same may be necessary for the purposes herein granted to the said grantee. Grantors agree not to build, create or construct, any obstruction, engineering works, or other structure over said pipe line or lines, nor permit same to be done by others.

In addition to the above consideration, grantee agrees to pay any damages which may arise to crops, buildings, drain tile, fences and timber, by reason of grantee's operations.

Any pipe line or lines constructed by grantee across lands under cultivation shall, at the time of the construction thereof, be buried to such depth as will not interfere with such cultivation.

As a part of the consideration hereinabove set forth Grantors hereby grant unto said Grantee the right at any time or times to construct and operate an additional pipe line or pipe lines alongside of said first pipe line on, over and through said land, and

Grantee agrees to pay Grantors for each additional pipe line so placed the sum of Eleven and No/100..... Dollars, on or before the time Grantee commences to construct such pipe line on the land hereinabove described. Said additional line or lines to be subject to the same rights, privileges and conditions as the original line.

Grantee shall have the right to change the size of its pipes, the damages, if any, in making such change to be paid by said grantee.

It is agreed that any payment hereunder may be made direct to said grantors or any one of them, or by depositing such payment to the credit of said grantors or any one of them in the Bank of Brule Bank of

Brule, Nebr., and payment so made shall be deemed and considered as payment to each of said grantors.

The rights herein granted may be assigned in whole or in part.

The terms, conditions and provisions hereof shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

Notwithstanding any provision to the contrary herein contained, any portion of any pipe line constructed hereunder by Grantee which crosses any rivers, creeks or ravines may, at the option of Grantee, be constructed on either overhead crossings installed by Grantee or laid in the bed of such river, creek or ravine and not buried to any particular depth.

IN WITNESS WHEREOF, We have hereto set Our hands and Our seals
this 11th day of DECEMBER, 1950.

within and for said state and county, personally came the above-named _____, who is personally known to me to be the identical person whose name is affixed to the above instrument as grantor, and acknowledged the instrument to be _____ voluntary act and deed.

Witness my hand and seal of office at _____, the date aforesaid.

Notary Public

My Commission expires _____

HUSBAND AND WIFE

STATE OF NEBRASKA,
COUNTY OF Keith } ss.

On this 11 day of December, 1950, personally appeared before me, M. H. Adams,

a Notary Public within and for said state and county, Joshua L. Brown and Jennie C. Brown, his wife, whose names are subscribed to the annexed instrument as parties thereto, personally known to me to be the individuals described in and who, executed the said annexed instrument as parties thereto, and they severally acknowledged the same to be their voluntary act and deed.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

M. H. Adams
Notary Public

My Commission expires Aug 12, 1952

133
Series 515 Line No. 133
FROM
Joshua L. Brown & Jennie C. Brown
(His wife)
TO
PLATTE PIPE LINE COMPANY
Gurley O Ogallala 20" T. L.
Line Auth-No-1.
Length 11 Rods
District 515
G. R. B. Draft No 01072
300

STATE OF NEBRASKA
KEITH COUNTY
Entered on Numerical Index and Filed for Record
this 14 day of December, A. D. 1951
at 10:00 o'clock P. M. and recorded it
Book 1 of Platte Pipe Line Co. on page 117
County Clerk
Deputy

Fee ☒
Index ☒
M.H.A. ☒
Rec. ☒
Proofed ☒

Return to
W. P. Clavagan
Supt. R. of Way Dept.
P. O. Box 450
Independence, Kans.

STATE OF Nebr

COUNTY OF Keith

Joshua L. Brown & Jennie C. Brown, his wife.

being first duly sworn, depose(s) and say(s) that they

~~is~~ are the owner(s) of record of the following described real estate

situate in Keith County, Nebraska:

Northeast Quarter of Section Twenty-five (25), Township Thirteen (13)

North, Range Forty-one (41) West. (SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and Lots 1 & 2)

and that ~~he is~~ they are now in possession thereof.

✓

✓

Jennie C. Brown
Joshua L. Brown

Subscribed and sworn to before me this 11TH day of

DECEMBER, 1950.

My commission expires 8-12-1952

M. Adams
Notary Public

on wave
#8
133

Wheat
515
12

STATE OF NEBRASKA
KEITH COUNTY
Entered on Numerical Index and Filed for Record
this 14th day of Feb A. D. 19 51
at 9:00 o'clock A. M. and recorded in
Book 1 of 2000000000 on page 117
E. A. Hurler
County Clerk
Deputy

Fee
Index
Numer.
Rec.
Proofed

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING LEAVE TO FILE AN APPLICATION FOR
A NEW SURFACE WATER APPROPRIATION WITHIN AN AREA SUBJECT TO A
MORATORIUM BY PETITION VAR-9429

WATER DIVISION 1-A

BACKGROUND

1. On July 14, 2004, the Department of Natural Resources (Department) issued a formal moratorium on all new surface water appropriations in the Platte River Basin upstream of the confluence with the Loup River near Columbus, Nebraska. The moratorium included all tributary streams above the Loup River confluence including the North and South Platte Rivers and tributaries. Subsequently, integrated water management plans have continued the moratorium on issuing new surface water appropriations.
2. The provisions of *Neb. Rev. Stat. § 46-714(3)(n)* allow for new surface water appropriations and increases in irrigated acres if the Department grants a variance and subsequently approves a permit for such new use
3. On August 24, 2021, Paul Turner, on behalf of Platte Pipe Line Company, LLC, filed in the Department petition VAR-9429 for leave to file an application for a permit to appropriate water. The petition requested leave to file an application for a temporary permit to appropriate less than 10 acre-feet of water for the purpose of construction.
4. When filing a variance request, a project proponent must offer a clearly stated basis for such request and must offer sufficient good cause shown. *Department of Natural Resources Rules for Surface Water, Title 457 Neb. Admin. Code Chapter 23* lists six circumstances that may be put forward as justification for granting a variance to apply for a new water use, in conjunction with an examination of good cause shown.

FINDINGS

1. The formal moratorium issued by the Department in 2004 has been continued in the surface water controls included in the integrated water management plans adopted by the Platte River Basin Natural Resources Districts and the Department.
2. The proposed application is for a temporary permit to appropriate less than 10 acre-feet of water for construction. The Petitioner asserts that water use is a necessary component of the construction project.

CONCLUSIONS

1. The proposed application is for a temporary use for public construction and the total volume requested is for less than 10 acre-feet of water.
2. Petition VAR-9429 should be granted.

ORDER

IT IS HEREBY ORDERED:

1. Petition VAR-9429 for Leave to File an Application for a Permit to Appropriate Water is GRANTED.
2. This Order granting leave to file or consider an application for a new surface water appropriation within a moratorium or stay area pursuant to petition VAR-9429 shall be in effect for one year from the date this Order is signed.
3. The granting of petition VAR-9429 shall not bind the Director to approve any application to which it relates, or in any way be used as evidence of prejudice for the Director's future decisions concerning the specific approval requirements of such application. Allowance of leave to file an application does not negate the necessity to meet the specific approval requirements for an appropriation.

DEPARTMENT OF NATURAL RESOURCES

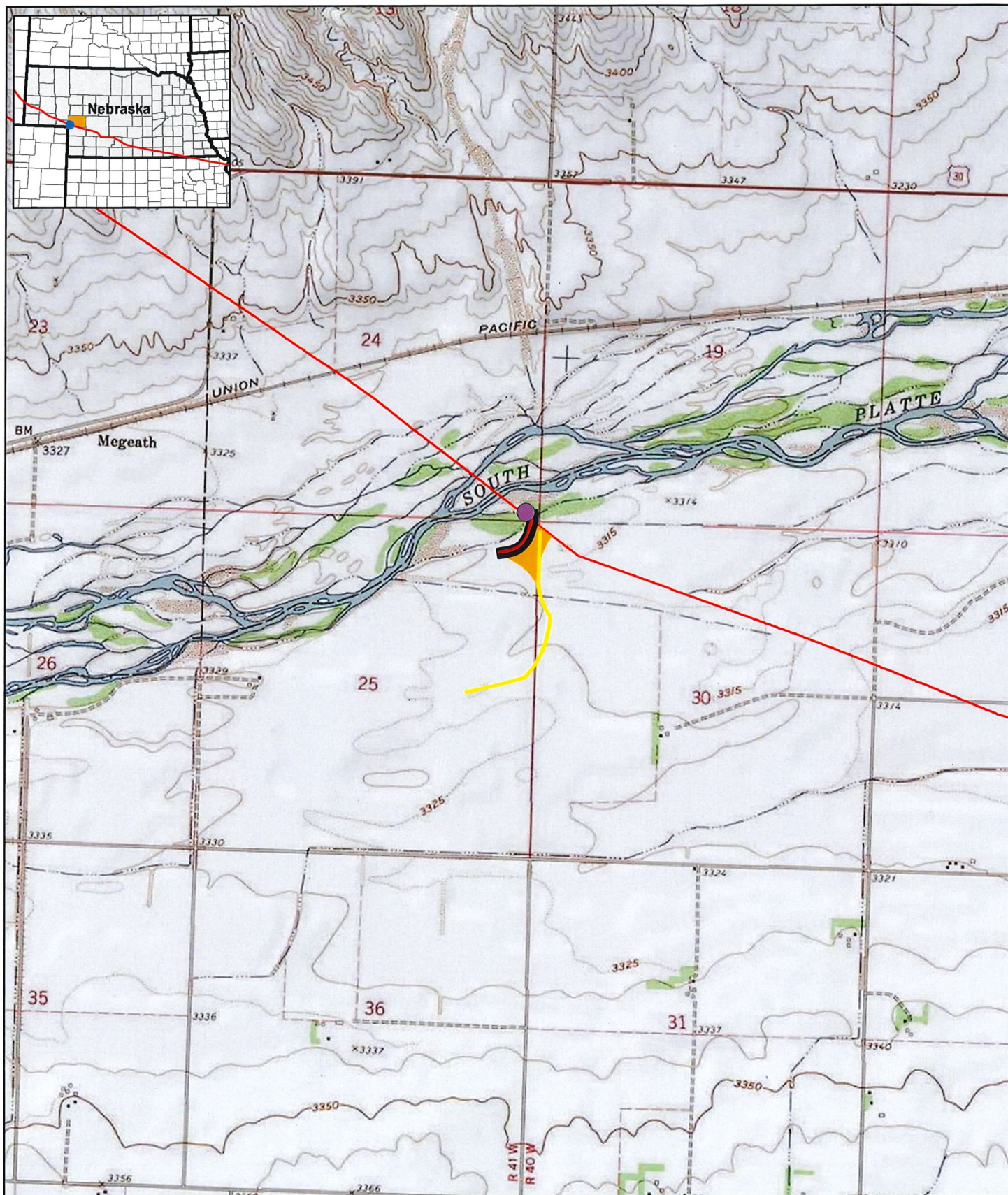


August 30, 2021

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field offices in Bridgeport, Nebraska. A copy of this Order was mailed on August 30, 2021, to the following

Paul Turner
Platte Pipe Line Company LLC
11 East Superior Street Suite 125
Duluth, Minnesota 55802



- Riprap
- Access Road
- Construction Workspace
- Staging Area
- Line 41
- Water Withdrawal Location

South Platte River Remediation Project
Platte Pipe Line Company, LLC
 T13 R40W Sec. 30
 T13 R41W Sec. 24
 T13 R41W Sec. 25
 Keith County, Nebraska

