

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18643

WATER DIVISION 2-B

Background

1. On December 16, 2008, the Department of Natural Resources (Department) issued a Notice of Preliminary Determination that the Lower Platte River Basin is Fully Appropriated. This action required an immediate stay on the issuance of any new surface water appropriations in that portion of the Lower Platte River and its tributaries.
2. On January 20, 2009, TransCanada Keystone Pipeline LP filed petition VAR-1616 for Leave to Consider an Application for a Permit to Appropriate Water.
3. On February 17, 2009, the Department granted VAR-1616, for Leave to Consider an Application for a Permit to Appropriate Water.
4. On February 19, 2009, TransCanada Keystone Pipeline LP filed application A-18643 for a temporary permit to appropriate water.

Order

IT IS HEREBY ORDERED that application A-18643 is APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to the South Branch of Deer Creek.
2. The water shall be used for the purpose of dust control during pipeline construction.
3. The priority date is February 19, 2009.
4. The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, Township 26 North, Range 1 East of the 6<sup>th</sup> P.M. in Wayne County, located on a public road right of way. The location of diversion is generally depicted on the drawing filed with the application.
5. The rate that water may be diverted under appropriation A-18643 shall not exceed 0.67 cubic feet per second (300 gallons per minute) and a total diversion of 4.6 acre-feet.
6. This authorization EXPIRES one year past the signing date of this application approval, and application A-18643 will be CANCELLED without further action by the Department as of that date.

