

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION VAR-5551 FOR LEAVE TO FILE AN APPLICATION

FOR A TEMPORARY PERMIT TO APPROPRIATE WATER

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.
2. On January 12, 2016, Kevin M. Boyd, on behalf of the Central Nebraska Public Power and Irrigation District (Petitioner), filed Petition VAR-5551 for Leave to File an Application for a Permit to Appropriate Water. The proposed application is for a temporary permit to appropriate less than 10 acre-feet of water for the purpose of geotechnical investigation borings from the Platte River via diversion from the Tri-County Canal headgate located in Section 08, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County.
3. *Nebraska Revised Statutes* § 46-714(3)(n) allows for new surface water appropriations if the Department grants a variance and subsequently approves a permit for such new use.
4. The proposed project is a temporary use for public construction and the total volume of water requested is less than 10 acre-feet, thereby meeting the requirements of *Department Rules for Surface Water 457 Neb. Admin. Code Chapter 23.001.06*.

ORDER

IT IS HEREBY ORDERED:

1. Petition VAR-5551 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-5551 shall be in effect for one year from the date this Order is signed.

3. The granting of petition VAR-5551 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

January 26, 2016


Gordon W. Fasset, 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 office in Bridgeport, Nebraska. A copy of this Order was mailed on January 26, 2016, to the following:

Cory Steinke, P.E.
The Central Nebraska Public Power and Irrigation District
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