STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION VAR-5392 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 April 21, 2015, Don Kraus, on behalf of the Central Nebraska Public Power and Irrigation District (Petitioner), filed Petition VAR-5392 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 public road construction from the Platte River via the Tri-County Canal headgate located in Section 8, 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 addresses a public safety issue and the Petitioner has shown good cause, thereby meeting the requirements of *Department Rules for Surface Water* 457 *Neb. Admin. Code* Chapter 23.001.05.

ORDER

IT IS HEREBY ORDERED:

1. Petition VAR-5392 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-5392 shall be in effect for one year from the date this Order is signed.

3. The granting of petition VAR-5392 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

May 11, 2015

Brian P. Dunnigan, 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 May 11, 2015, to the following:

Cory Steinke, P.E.
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