

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING PERMIT TO TRANSFER GROUND WATER FOR MUNICIPAL USE

The Director of the Department of Natural Resources (Department) approves Application MT-43, submitted by the City of Scottsbluff, Nebraska, on behalf of the City of Minatare, Nebraska (Applicants), for a permit to withdraw and transport ground water for municipal use.

The terms and conditions of Permit MT-43 are as follows:

1. Permit MT-43 authorizes the City of Scottsbluff to withdraw and transfer ground water to the City of Minatare from 13 existing and up to two proposed public water supply wells. Withdrawal and transfer of ground water under permit MT-43 shall not exceed 500 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 678,000 gallons per day (gpd).
2. The average daily withdrawal and transfer of ground water shall not exceed 251,000 gpd.
3. The total amount of ground water that may be transferred in a one-year period shall not exceed 92,000,000 gallons.
4. The priority date shall be October 30, 2012, 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 Ground water may be withdrawn and transferred from the existing public water supply wells identified as follows: A-011085A, generally located in Section 18; and A-011085M and A-011085N, generally located in Section 21, all in Township 22 North, Range 54 West of the 6th P.M.; A-011085J, generally located in Section 10; A-011085K, generally located in Section 12; A-011085H, generally located in Section 14; A-011085G, G-093466, and G-093467, generally located in Section 21; A-011085D and A-011085L, generally located in Section 22; A-011085B, generally located in Section 23; and A-011085I, generally located in Section 24, all in Township 22 North, Range 55 West of the 6th P.M., all in Scotts Bluff County; and from two proposed production wells which may be constructed in the NW^{1/4} of Section 21, Township 22 North, Range 55 West of the 6th P.M. 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 Minatare, shown on maps filed in support of Application MT-43.
7. Approval of this permit is based on the information included and representations made in Application MT-43 by the City of Scottsbluff. That information and those representations are considered terms of this approval, to which the City of Scottsbluff must adhere.

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8. The applicants must develop and implement best management practices to ensure that the City of Minatare maintains its customers' per-capita water use at rates less than or equal to the rates stated in the application.
9. The City of Scottsbluff shall install a flow meter(s), such that all ground water withdrawn and transferred to the City of Minatare will be measured, and, by January 31 of each year, the City of Scottsbluff 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 Scottsbluff 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 Scottsbluff's wellfield and the change in location of groundwater withdrawal under MT-43 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-43 and the ending at the location of the City of Minatare's older public water supply wells. The depletions which will occur as a result of the City of Scottsbluff'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 the City of Scottsbluff's wellfield. The mitigation plan has been adopted by the Applicants and the NPNRD. By agreement, the NPNRD shall transfer 117 acre-feet, equivalent to a rate of flow of 0.39 cfs, which has been accrued to the credit of the NPNRD as a result of the NPNRD's water management programs, to provide mitigation of the City of Minatare's irrigation season impacts. The reduction in depletion to the stream reach accrued to the NPNRD through a retirement of upstream irrigated acres is in accordance with NPNRD rules.

12. Permit MT-43 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 Scottsbluff 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

February 14, 2017


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-43 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 February 14, 2017, to the following:

City of Scottsbluff
Jack Satur, Water System Supervisor
2525 Circle Drive
P.O. Box 347
Scottsbluff, Nebraska 69361

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

City of Minatare Water Operator
309 Main Street
P.O. Box 483
Minatare, Nebraska 69356