

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

GRANT OF PETITION VAR-1608 FOR LEAVE TO CONSIDER AN APPLICATION FOR

A PERMIT TO APPROPRIATE SURFACE WATER

WATER DIVISION 2-B

Background

1. On October 24, 2008, Glenn Johnson, General Manager, Lower Platte South Natural Resources District (District), filed application A-18616 in the Department of Natural Resources (Department) for a permit to impound water.
2. On December 16, 2008, the Department issued a Notice of Preliminary Determination that a portion of the Lower Platte River Basin including the surface watershed of the Platte River and its tributaries from the confluence upstream of the Missouri River is fully appropriated. With this Preliminary Determination the Department has placed an immediate stay on the issuance of any new surface water appropriations in the fully appropriated portions of the Lower Platte River Basin.
3. On January 2, 2009, the District filed petition VAR-1608 for Leave to Consider an Application for a Permit to Appropriate Water.
4. Petitions for leave to consider an application for a permit to appropriate water in areas that are subject to stays and moratoriums are covered under Nebraska Revised Statutes § 46-714(3)(n) and § 61-206. Department rule 457 N.A.C. 23 establishes guidelines under which variances can be granted.

Order

IT IS HEREBY ORDERED:

1. Petition VAR-1608 meets the conditions of Department Rule 457 N.A.C. 23.001.04 and is GRANTED.

