

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18809

WATER DIVISION 2-F

BACKGROUND

1. On September 9, 2011, Leonard Mallett, Senior Vice President, on behalf of Mid-America Pipeline Company LLC, filed in the Department of Natural Resources (Department) application A-18809 for a temporary Permit to Appropriate Water.
2. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-18809 is APPROVED subject to the following limitations and conditions:

1. The source of water is the Missouri River.
2. The water shall be used for the purpose of directional drill installation of pipeline.
3. The priority date is September 9, 2011.
4. The point of diversion is located in the SW<sup>1</sup>/<sub>4</sub>NE<sup>4</sup> of Section 1, Township 23 North, Range 10 East of the 6<sup>th</sup> P.M. in Burt County.
5. The rate that water may be diverted under appropriation A-18809 shall not exceed 0.78 cubic foot per second (350 gallons per minute).
6. Use of water under A-18809 may be denied in order of priority when water supplies do not meet demands of downstream appropriators.
7. This appropriation EXPIRES one year from the date of this Order and appropriation A-18809 will be CANCELLED without further action by the Department as of that date.
8. The appropriator must comply with all relevant statutes. The statutes include, but are not limited to, the following:
  - A. Notify the Department of any change in ownership or address.
  - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include contractors that actually apply the water to the approved use).

- C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion or the location of the place of use.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

September 16, 2011

  
Brian P. Dunnigan, 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* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website and provided to the Department's field office in Norfolk, Nebraska. A copy of this approval was mailed on September 16, 2011, to the following:

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