STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION VAR-2257 FOR LEAVE TO FILE AN APPLICATION

FOR A TEMPORARY PERMIT TO APPROPRIATE WATER

WATER DIVISION 2-D

BACKGROUND

1. On July 14, 2004, the Department of Natural Resources (Department), issued an Order declaring a formal moratorium on all new surface water appropriations in the White River Basin and the Hat Creek Basin.

2. On January 10, 2012, Larry Hankin, on behalf of the Dawes County Roads Department (Petitioner), filed Petition VAR-2257 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 West Ash Creek at a point of diversion located in the NE¼NE¼ of Section 2, Township 31 North, Range 51 West of the 6th P.M. in Dawes County.

3. *Nebraska Revised Statutes* § 46-714(3)(n) allows for new surface water appropriations and increases in irrigated acres 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-2257 for Leave to File an Application for a Permit to Appropriate Water is GRANTED.

2. The granting of petition VAR-2257 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 27, 2012

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 offices in Bridgeport and Crawford, Nebraska. A copy of this Order was mailed on January 27, 2012, to the following:

Larry Hankin
Dawes County Roads Department
250 Main Street Suite #7
Chadron, NE 69337