

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION VAR-2377 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 July 24, 2012, Don Kraus, on behalf of the Central Nebraska Public Power and Irrigation District (Petitioner), filed Petition VAR-2377 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 Kingsley Reservoir 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-2377 for Leave to File an Application for a Permit to Appropriate Water is GRANTED.

2. The granting of petition VAR-2377 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

July 31, 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 July 31, 2012, to the following:

Cory Steinke, P.E.
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