

has has drafted a reg but not gotten it  
looked at yet

regs would say that upstream slats must  
consult w/ RRCA before issuing

**Christine Southwick**

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**From:** Pam Andersen [pandersen@dnr.ne.gov]  
**Sent:** Friday, October 06, 2006 9:56 AM  
**To:** csouthwick@dnr.ne.gov  
**Cc:** 'Jeremy Gehle'; sfrance@dnr.ne.gov  
**Subject:** PC EQIP XL Farms

Christine,  
I have learned from Ron Cacek that XL Farms is being sold and the new owner does not wish to participate in PC EQIP. You may discontinue processing the Water Use Contract and send the file to me. Thanks. Pam

10/6/2006

DNR 007205

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Application TA-27 )  
for a Permit to Transfer Ground )  
Water from Nebraska to Kansas. )

ORDER DENYING PERMIT

This matter came on for consideration before the Director of the Department of Natural Resources (Department) under the provisions of Neb. Rev. Stat. § 46-613.01 (Reissue 2004). The Director FINDS:

1. On March 29, 2000, Sauvage Gas Service, Inc. (Applicant) filed an application for a permit to transfer ground water to an adjoining state. Application TA-27 requested a permit to withdraw a maximum of 216,000 gallons per day and 250 acre-feet per year from two existing wells, G-106165 and G-106166, located in the SE $\frac{1}{4}$  of Section 31, and one unregistered water well located in the SW $\frac{1}{4}$  of Section 32, Township 1 North, Range 28 West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska, and transport the water for irrigation and a confined animal feeding operation located in Section 6, Township 1 South, Range 28 West of the 6<sup>th</sup> P.M.; in the NE $\frac{1}{4}$  of Section 1, and in the NE $\frac{1}{4}$  of Section 12, all in Township 1 South, Range 29 West of the 6<sup>th</sup> P.M. in Decatur County, Kansas.
2. The locations of the water wells in Nebraska and the place of use in Kansas are both within the Republican River Basin, which is the subject of an interstate compact and a decree of the United States Supreme Court.

Under the terms of the December 15, 2002, Final Settlement Stipulation in Kansas v. Nebraska and Colorado, No. 126 Original in the Supreme Court of the United States, between the states of Kansas, Nebraska, and Colorado regarding the Republican River Compact, the state in which the consumptive use of water occurs must account for its use and is held responsible for it as a part of the state's allocation under the Compact. In order to comply with the Compact, Kansas has prohibited certain uses of water and required offsets for other uses (see Article IV.C.1 of the Stipulation). The Applicant has not met the requirements of the State of Kansas, and, therefore, the water has no legal beneficial use in Kansas.

Therefore, it is CONCLUDED that in the interest of state comity, and because approval of application TA-27 will have a negative effect on the Republican River Compact and subsequent decree, application TA-27 should be DENIED.

It is so ORDERED.

DEPARTMENT OF NATURAL RESOURCES

October 12, 2006

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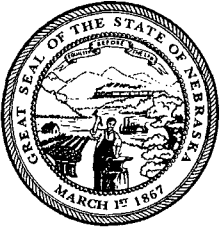
Ann Bleed, Acting Director

A copy of this Order concerning TA-27 was mailed on October \_\_\_\_, 2006, to the Department's field office in Cambridge, Nebraska, and to the following:

Sauvage Gas Service, Inc.  
410 South Buffalo  
P.O. Box 132  
Oberlin, Kansas 67749

Stanley C. Goodwin  
116 West C Street  
P.O. Box 607  
McCook, Nebraska 69001

Daniel Smith, Manager  
Middle Republican Natural Resources District  
220 Center Avenue  
P.O. Box 81  
Curtis, Nebraska 69025



**Dave Heineman**  
Governor

# STATE OF NEBRASKA

**DEPARTMENT OF NATURAL RESOURCES**  
**Ann Bleed**  
Acting Director

October 12, 2006

IN REPLY TO:

TA-27

Sauvage Gas Service, Inc.  
410 South Buffalo  
P.O. Box 132  
Oberlin, Kansas 67749

Dear Sir or Madam:

Enclosed is an order denying Sauvage Gas Service, Inc.'s application for a permit to withdraw water from groundwater wells in Nebraska and transport it to Kansas to use for irrigation and for a confined animal feeding operation. If Sauvage Gas Service, Inc. is presently transporting groundwater to Kansas, then it must cease to do so immediately. Under Neb. Rev. Stat. § 46-613.02 (Reissue 2004), violations of Section 46-613.01 (i.e., transporting ground water for use in another state without a permit) are considered Class IV misdemeanors punishable by a \$100 minimum fine and up to a maximum \$500 fine. Each day of a violation may be considered a separate offense.

Thank you for your cooperation in this matter.

Sincerely,

Ann Bleed  
Acting Director

Enclosure

cc: David Pope  
David Barfield  
Brad Edgerton  
Mike Thompson  
Susan France  
Pam Andersen  
Stanley C. Goodwin  
Dan Smith

permits & registrations/surface water/zayac