

PLAN. RESPOND. RECOVER.

Mr T-

Top copy is my revision  
of Susan's version. Let's  
talk. Also attached is  
Tracy's explanatory memo  
& Susan's version w/ my  
handwritten e changes.

Copy  
① Bryan line  
② Language  
③ NPD access  
to all  
staff  
will  
be  
with  
Privacy

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Thank  
Pam & Tracy

Pam,

I've never seen  
anything quite  
like this before.

Mike

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 R.R.S. § 46-613.01 (as amended). 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 SE¼ of Section 31, and one unregistered water well located in the SW¼ 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 in Section 6, Township 1 South, Range 28 West of the 6<sup>th</sup> P.M.; in the NE¼ of Section 1, and in the NE¼ 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 (cite) 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.

*Compact cont inc  
irrigated acres*  
*Covering letter*

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

September 21, 2006

\_\_\_\_\_  
Ann Bleed, Acting Director

A copy of this Order concerning TA-27 was mailed on September \_\_\_\_, 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

P.S. Can I have this messy thing back so I  
can go over it w/ Tracy when you have  
new draft done. Thank

Mimi,

Please make these  
changes to a copy of  
the original & send  
to me. I need to  
discuss w/ Tracy  
after I get revised  
order. Thanks. Pam

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

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

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

- On March 29, 2000, Sauvage Gas Service, Inc. (Applicant) filed an application for a permit to transfer ground water to an adjoining state, under the provisions of a previous version of Neb. Rev. Stat. RRS § 46-613.01 (Reissue 2004). 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 SE¼ of Section 31, and one unregistered water well located in the SW¼ 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 stock watering use in Section 6, Township 1 South, Range 28 West of the 6<sup>th</sup> P.M.; in the NE¼ of Section 1, and in the NE¼ of Section 12, all in Township 1 South, Range 29 West of the 6<sup>th</sup> P.M. in Decatur County, Kansas.

*where is this registered by now?*

*a confined animal feeding operation*

~~The application was returned for correction and additional information and refiled twice, on May 1 and June 27, 2000, respectively.~~ *this is irrelevant*

- The locations of the water wells in Nebraska and the place of use in Kansas are both within the Republican River Basin, which ~~has been~~ *the* ~~subject to recent litigation and ongoing management of surface water and hydrologically connected ground water in both states.~~ *an interstate compact and a decree of the United States Supreme Court.* Under the terms of the December 15, 2002, Final Settlement Stipulation between the states of Kansas, Nebraska, and Colorado regarding the Republican River Compact, ~~any streamflow depletions caused by well pumping shall be charged to the State in which the consumptive use occurs (see Article IV.C.1 of the Stipulation).~~ *As of the 2006 Compact meeting, the Applicant has not met the requirements of the State of Kansas, in providing offsets, therefore, Kansas has not agreed to account for the depletions caused by the pumping.*

*the state*

*of water*

*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*

*what do we have in writing*

*(cite)*