

Savage -

Rule to adopt re: Coyne's canon.

Use in all state / supply in notes.
2 sets rules.

Use courts where used. (KS)

We should permit wells - put conditions
on how they appropriate - consult w/ KS.

KS will probably issue permit requiring
them to get offset water (at least
anymore > 50 ac?).

Best way to resolve - Feeller has attorney.
Figure out w/ Scott - coord. w/ Dnr.

Draft order re: Savage

↓
Need out.

Don't need letter of Pope

Coyne - general rule re: if have
situation - coordinate - have
prov's interest to Coyne's.

* Order = copy of what KS says.

Ann Diers

From: Susan France [sfrance@dnr.state.ne.us]
Sent: Monday, November 01, 2004 3:22 PM
To: Ann Diers
Subject: TA-27



Pope.doc (26 KB) Smith.doc (25 KB)

Attached are two proposed letters for Roger's signature or yours. These letters should not be issued until the order dismissing parties has been signed. The order will be on your desk shortly.

November 2, 2004

TA-27

David Pope,

Dear David :

The Department has had on file a pending application for a permit to transfer ground water from Nebraska into Kansas for purposes of a livestock operation. The application was filed in March of 2000 by Sauvage Gas Service, Inc. of Oberlin, Kansas. There are three wells located in Sections 31 and 32 of Township 1 North, Range 28 West of the 6th P.M. in Red Willow County, Nebraska, and the water will be used to provide livestock pasture and feedlot located in Section 6 of Township 1 South, Range 28 West and Sections 1 and 12 of Township 1 South, Range 29 West in Decatur County, Kansas.

Under the Republican River Settlement, the consumptive use of these wells will be accrued to Kansas even though the diversion is made in Nebraska. Department staff have been in touch with Scott Ross of your Department and we understand that negotiations concerning the use of these wells has been ongoing with your Department and Sauvage. The Department would like to receive any comments from you concerning any conditions of use you believe are pertinent if this application is approved. Beneficial use of water is a requirement of the Nebraska law for transfers to another state, as is compliance with any interstate compact or decree. If Sauvage cannot put the water to beneficial use in Kansas, the permit should not be granted.

Your response to this request for information is appreciated.

November 2, 2004

TA-27

Dan Smith
Middle Republican Natural Resources District
P. O. Box 81
Curtis, Nebraska 69025

Dear Dan:

Sauvage Gas Service, Inc. filed application TA-27 on March 29, 2000, for a permit to transfer ground water to Kansas for livestock and feedlot use. You were given notice of the application in 2000, and recently Department staff have discussed this application with you.

Under the Republican River Settlement, if application TA-27 is approved, the consumptive use will be accrued to Kansas for reporting purposes.

Before the Department takes action on this application, we would appreciate receiving written comments from you concerning any rules or regulations that are in place within your natural resources district that might pertain to the wells described in this application.