

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Water Appropriations            )  
A-17004A, A-17004B, A-17004C,                    )  
A-17007B, A-17007C, A-17008A,                    )  
A-17008B, A-17008C and A-17009.                 )  
Water Division 1-A                                    )

ORDER

This matter came on for consideration before the Director of the Department of Natural Resources.

The Director FINDS:

1. Nebraska Revised Statute 46-2,112 requires the Department of Natural Resources (Department) to review an appropriation for instream flow every fifteen years after it is granted.
2. Water appropriations A-17004A, A-17004B, A-17004C, A-17007B, A-17007C, A-17008A, A-17008B, A-17008C and A-17009 are instream flow appropriations on the Platte River in the name of the Central Platte Natural Resources District (CPNRD). These appropriations were granted for the purposes of providing habitat for whooping cranes, sandhill cranes, interior least terns and piping plovers or to provide habitat for food sources consumed by these bird species. These appropriations were approved by the Department of Water Resources (now the Department of Natural Resources) by final order on September 23, 1994.
3. In accordance with Nebraska Revised Statute 46-2,112, notice of pending review was published in several newspapers for three consecutive weeks commencing on June 17, 2009, and ending on July 8, 2009, and posted on the Department's and CPNRD's websites. Interested parties were given until August 27, 2009, to present evidence relevant to the review or to request a hearing.
4. On August 6, 2009, a letter and a report supplementing information provided during the original application process from Ron Bishop, General Manager of the CPNRD, were filed in the Department in support of the continued benefit and need for their instream flow appropriations as originally granted. In his letter Ron Bishop states that "CPNRD firmly believes that these appropriations continue to be used beneficially for the purposes for which they were granted, are in the public interest, and should continue in effect without modification."
5. On August 19, 2009, a letter from Rex Amack, Director of the Nebraska Game and Parks Commission was filed in the Department in support the continued benefit and need for these appropriations and requested their "continuation without diminishment."


6. No other filings were made with the Department.

It is therefore CONCLUDED based upon the above information and documents on file in the Department that these appropriations continue to be used beneficially for the purposes for which they were granted, are in the public interest, and should continue in effect with no modifications.

It is so ORDERED.

DEPARTMENT OF NATURAL RESOURCES

October 5, 2009

  
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was mailed on October 5, 2009, to Ron Bishop, General Manager of the Central Platte Natural Resources District, 215 North Kaufman Avenue, Grand Island, Nebraska 68803; Rex Amack, Director, Nebraska Game and Parks Commission, (Interagency) P.O. Box 30370, Lincoln, Nebraska 68503-0370, and the Department's Field Office, Bridgeport, Nebraska.