

# **City of Scottsbluff, Nebraska**

**Monday, April 6, 2015**

**Regular Meeting**

## **Item Reports5**

**Council to consider the Minatare Water Project Streamflow Credit Purchase Agreement and authorize the Mayor to execute the agreement.**

**Staff Contact: Rick Kuckkahn, City Manager**

## Streamflow Credit Purchase Agreement

This Streamflow Credit Purchase Agreement, hereinafter “Agreement” is made and between the **North Platte Natural Resources District**, hereinafter “District”, the **City of Scottsbluff**, hereinafter “Scottsbluff”, and the **City of Minatare**, hereinafter “Minatare”.

### W I T N E S S E T H

WHEREAS, the District has statutory obligations to protect surface water users within the District from depletions to streamflow from certain transfers of municipal uses, as well as the duty to provide the Nebraska Department of Natural Resources, hereinafter “Department”, with consultation responses regarding municipal transfer permit applications.

WHEREAS, Scottsbluff, as the applicant for municipal transfer permit MT-43, is made a signator to this Agreement for the limited purpose of recognizing and acknowledging the rights and obligations of the District and Minatare contained herein.

WHEREAS, Minatare obtains its municipal water supply from a pipeline connected to the Scottsbluff well field, resulting in a change in the point of withdrawal of the Minatare municipal water supply.

WHEREAS, the District has determined that the amount of stream flow that will be depleted from the North Platte River during the five (5) months of the irrigation season (May through September, inclusive) as a result of the new point of municipal supply for Minatare will be 117 acre feet per year or 0.39 cubic feet per second, and that these depletions will occur in the reach of the river from which Winters Creek Canal Company, Central Irrigation District and Minatare Mutual Canal & Irrigation Company divert their respective natural flow surface water appropriations.

#### IT IS THEREFORE AGREED AS FOLLOWS:

1. The District shall transfer a total of 117 acre feet, which is the equivalent of a rate of flow of 0.39 cfs, which has been accrued to the credit of the District as a result of the District’s water management programs, to provide for the mitigation of Minatare’s irrigation season impacts to the above listed surface water appropriators.

2. Minatare shall pay the District a total of \$23,400.00 computed at the rate of \$200.00 per acre foot of credit transfer. This total payment shall be made by Minatare to the District upon execution of this Agreement by Minatare. The terms of this Agreement shall become effective upon execution and payment of such sum.

3. Upon execution of this Agreement and payment of the agreed upon sum, the District will provide a copy of this Agreement to the Department. The District will also provide the Department a completed consultation response, regarding Scottsbluff's application, MT-43, for a municipal transfer permit, acknowledging that the transfer of ground water to Minatare proposed under application MT-43 meets the requirements of the District's Rules and Regulations, including mitigation requirements to affected surface water appropriators.

4. The parties understand and acknowledge that this Agreement applies only to the transfer of ground water to Minatare proposed under application MT-43.

5. The parties to this Agreement acknowledge that each person executing this Agreement on behalf of the entity involved has been duly authorized by action of their respective entity in accordance with law, and that this Agreement shall be binding upon each entity party hereto.

**North Platte Natural Resources District**

**City of Scottsbluff**

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By: John Berge, General Manager  
Date: \_\_\_\_\_

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By: \_\_\_\_\_  
Date: \_\_\_\_\_

**City of Minatare**

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By: \_\_\_\_\_  
Date: \_\_\_\_\_

