STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWG-3471 AND MAP 18521

FOR A PERMIT TO CONDUCT GROUNDWATER

WATER DIVISION 1-D

BACKGROUND

1. On January 11, 2013, Dean Otto, on behalf of Otto Acres, LLC, filed in the Department of Natural Resources (Department) application CWG-3471 for a permit to conduct groundwater into a stream and remove a portion of the same water downstream.

2. This permit approves the act of conducting groundwater. The Lower Big Blue Natural Resources District was consulted and had no objections.

3. On June 6, 2013, Dean Otto, on behalf of Otto Acres, LLC filed in the Department map number 18521 showing land proposed to be irrigated with water conducted under CWG-3471.

ORDER

IT IS HEREBY ORDERED:

1. Application CWG-3471 is hereby APPROVED.

2. The source of water to be conducted is from a proposed groundwater well to be located in the SW¼NW¼ of Section 11, Township 5 North, Range 7 East of the 6th P.M. in Gage County.

3. The groundwater will be released into Bear-Pierce-Cedar Creek Reservoir 5-B (storage appropriation A-13244) in the SW¼NW¼ of Section 11, Township 5 North, Range 7 East of the 6th P.M. in Gage County at a rate of 150 gallons per minute, and the same amount of water or less will be withdrawn from a pumpsite on the right bank of the reservoir located in the SW¼NW¼ of Section 11, Township 5 North, Range 7 East of the 6th P.M. in Gage County.

4. If the rate of water being conducted into the reservoir from the well is less than the rate described above, then the rate of withdrawal shall be equal or less than that entering the reservoir.

5. The following is a description of the land proposed to be irrigated with water conducted under CWG-3471 as depicted on map number 18521 and is made a part of this Order:

| Township 5 North, Range 7 East of the 6th P.M. in Gage County | | Acres |
|---|---|---|
| Section 11: | NW¼NW¼ | 33.6 |
| | NE¼NW¼ | 34.9 |
| | TOTAL | 68.5 |

6. The Department retains the right to make adjustments to the amount of loss in transit.

7. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water entering Bear-Pierce-Cedar Creek Reservoir 5-B (storage appropriation A-13244) for the purpose of irrigation and related to conducting water under conduct water permit CWG-3471.

8. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water withdrawn from Bear-Pierce-Cedar Creek Reservoir 5-B (storage appropriation A-13244) for the purpose of irrigation and related to conducting water under conduct water permit CWG-3471.

9. The permit holder is liable for any damages resulting from the activity authorized under this permit.

10. This permit approves the act of conducting water. Use of groundwater being conducted is authorized by the LBBNRD.

11. This permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.

DEPARTMENT OF NATURAL RESOURCES

October 1, 2013

Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of $10.

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18521 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18521 were mailed on October 1, 2013, to the following:

Lower Big Blue Natural Resources District
P.O. Box 826
Beatrice, Nebraska 68310

Otto Acres, LLC
c/o Dean Otto
633 State Highway 43
Adams, Nebraska 68301