STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWG-4769 FOR A PERMIT

TO CONDUCT WATER IN STREAM CHANNELS AND MAP 18605

WATER DIVISION 1-D

BACKGROUND

1. On July 18, 2013, Kenneth and Carol Maca filed in the Department application CWG-4769 for a temporary permit to conduct groundwater in a stream channel.

2. On July 25, 2013, Kenneth Maca filed map number 18605 showing land proposed to be irrigated under application CWG-4769.

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

4. The Department agreed to accept this application on a temporary one-year basis due to the current drought situation. The point of entry into the stream is a few hundred feet downstream of the point of withdrawal. This relationship is not explicitly facilitated by statute. In order for a permanent conduct water permit to be granted, the place of entry must be upstream of the point of withdrawal. If the applicant desires to make a permanent application to conduct groundwater at this site, the water must be conducted downstream to a point of withdrawal.

ORDER

IT IS HEREBY ORDERED:

1. Application CWG-4769 for a permit to conduct groundwater and map number 18605 are APPROVED.

2. The source of water to be conducted is from groundwater well G-164114 located in the SW¼NW¼ of Section 22, Township 12 North, Range 2 East of the 6th P.M. in Seward County.

3. The groundwater will be released into a man-made drainage/ditch system in the SW¼NW¼ of Section 22, Township 12 North, Range 2 East of the 6th P.M. in Seward County at a rate of 475 gallons per minute and will be released into the Big Blue River in the NE¼NE¼ of said legal description and withdrawn from the Big Blue River at no more than a rate of 380 gallons per minute. The water will be withdrawn from a pump site located on the right bank of the stream in the NE¼NE¼ of Section 22, Township 12 North, Range 2 East of the 6th P.M. in Seward County. As noted in paragraph 4 of the BACKGROUND section of this Order, the physical location of the point of entry is a few hundred feet downstream of the point of withdrawal. This is being allowed on a temporary basis during the current drought conditions.

4. If the instantaneous rate of water conducted into the stream from the well is less than the rate described above, then the instantaneous amount of water withdrawn from the stream shall be no more than 80 percent of the total water conducted into the stream.

5. The Department will administer the stream as if the water is conducted downstream and as long as it is determined no other water user is harmed by this arrangement, it will be allowed. The Department may order the activity pursuant to CWG-4769 to cease if it determines harm is occurring to other water users or if the conditions of this Order are not being followed.

6. The following land is to be irrigated under conduct water permit CWG-4769 as depicted on map number 18605 which is made a part of this Order.

Township 12 North, Range 2 East of the 6th P.M. in Seward County		Acres
Section 23:	NW¼NE¼	6.3
	NE¼NE¼	29.9
	SE¼NE¼	23.3
	TOTAL	59.5

7. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water entering the drainage/ditch system for the purpose of irrigation and related to conducting water under conduct water permit CWG-4769.

8. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water withdrawn from the Big Blue River for the purpose of irrigation and related to conducting water under conduct water permit CWG-4769.

9. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 1-D.

10. This permit EXPIRES one year from the date of this Order and the temporary conduct water permit will be CANCELLED without further action by the Department as of that date.

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

12. Pursuant to *Neb. Rev. Stat.* § 46-252, the permit holder shall not be exempt from obtaining any other permits required by law.

DEPARTMENT OF NATURAL RESOURCES

July 31, 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 18605 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18605 were mailed on July 31, 2013, to the following:

Kenneth and Carol Maca
3418 Davey Road
Staplehurst, Nebraska 68439

John Turnbull, Manager
Upper Big Blue Natural Resources District
105 North Lincoln Avenue
York, Nebraska 68467-3535