

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWS-1704 FOR A PERMIT TO CONDUCT
STORAGE WATER FROM SWANSON RESERVOIR UNDER APPROPRIATION A-6225KR

WATER DIVISION 1-B

BACKGROUND

1. On July 20, 2009, Brad Edgerton, Manager of the Frenchman Cambridge Irrigation District, filed in the Department of Natural Resources (Department) application CWS-1704 for a Permit to conduct water under appropriation A-6225KR.
2. Records on file in the Department show that surface water appropriation A-6225KR is held by the Bureau of Reclamation (Reclamation).
3. On December 28, 2013, Aaron M. Thompson, Manager of the Nebraska-Kansas Area Office of Reclamation, corrected filed in the Department application CWS-1704.

ORDER

IT IS HEREBY ORDERED:

1. Application CWS-1704 is APPROVED.
2. The source of the water to be conducted is from Swanson Reservoir, storage appropriation A-4884 under storage-use appropriation A-6225KR, located in Section 5, Township 2 North, Range 33 West of the 6th P.M. in Hitchcock County.
3. Water to be conducted under CWS-1704 will be released from Swanson Reservoir through Trenton Dam at a point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 2 North, Range 33 West of the 6th P.M. in Hitchcock County into the Meeker-Driftwood Canal system where the water released under appropriation A-6225KR for Bartley Canal will be carried by the Meeker-Driftwood Canal system to a point where the Meeker Extension Canal intersects Ash Creek in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 3 North, Range 28 West of the 6th P.M. in Red Willow County. Water will be released from the Meeker Extension Canal into Ash Creek at a rate not to exceed 20 cubic feet per second to be conducted to the confluence of Ash Creek and the Republican River in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 3 North, Range 28 West of the 6th P.M. in Red Willow County. The water will be further conducted down the Republican River to the headgate of the Bartley Canal in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 3 North, Range 27 West of the 6th P.M. in Red Willow County where it will be diverted into the Bartley Canal for the purpose of irrigation

4. The amount of water diverted through Trenton Dam for use in the Meeker-Driftwood Canal system shall be reported annually as the amount of water diverted from Swanson Reservoir through Trenton Dam, less the amount diverted under conduct water permit CWS-1704.
5. The water shall be conducted under CWS-1704 only during the time period that Reclamation is releasing storage water for Bartley Canal under storage use appropriation A-6225KR for the purpose of irrigation.
6. Measuring devices approved by the Department, if not already installed, are required at the point of release into Ash Creek and the point of withdrawal into Bartley Canal prior to water being conducted under CWS-1704.
7. The permit holder shall file a project map showing the stream reach location, the point at which water is released into Ash Creek and the point at which the water is withdrawn at the headgate of Bartley Canal. The project map must be prepared according to *Department of Natural Resources Rules of Practice and Procedure, Title 457 Neb. Admin. Code Chapter 10* and filed within six months of the signing date of this application approval.
8. Pursuant to *Neb. Rev. Stat. § 46-252(2)*, permit holders are liable for any damages resulting from the overflow of such stream or channel when water conducted contributes to an overflow.
9. This permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.

DEPARTMENT OF NATURAL RESOURCES

February 7, 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 and provided to the Department's field office in Cambridge, Nebraska. A copy of this approval was mailed on February 7, 2013, to the following:

Brad Edgerton, Manager
 Frenchman-Cambridge Irrigation District
 P.O. Box 116
 Cambridge, Nebraska 69022

Aaron M. Thompson, Area Manager
 Bureau of Reclamation
 1706 West 3rd Street
 McCook, Nebraska 69001