

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWG-4868 AND MAP 18735

FOR A PERMIT TO CONDUCT GROUNDWATER

WATER DIVISION 1-D

BACKGROUND

1. On November 14, 2013, Kenneth Maca, on behalf of Carol Maca and himself, filed in the Department of Natural Resources (Department) application CWG-4868 for a permit to conduct water from groundwater well G-059804 into the Big Blue River and remove a portion of the same water.
2. This application requests the act of conducting groundwater. The Upper Big Blue Natural Resources District was consulted and has no objections.
3. On April 4, 2014, Kenneth Maca, on behalf of Carol Maca and himself, filed in the Department of Natural Resources (Department) application CWG-5014 for a permit to conduct water from groundwater well G-164114 into the Big Blue River and remove a portion of the same water.
4. A common infrastructure will be used to conduct water under application CWG-4868 and application CWG-5014.
5. On May 27, 2014, Kenneth Maca filed map number 18735 showing the project proposed under application CWG-4868.

ORDER

IT IS HEREBY ORDERED that application CWG-4868 and map 18735 are APPROVED subject to the following limitations and conditions:

1. The source of water to be conducted is from groundwater well G-059804 located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 12 North, Range 2 East of the 6th P.M. in Seward County.
2. The groundwater will be released and measured into a drainage/ditch system in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 12 North, Range 2 East of the 6th P.M. in Seward County at a rate of **300 gallons per minute** and will be released into the Big Blue River in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said legal description and withdrawn from the Big Blue River at no more than a rate of **240 gallons per minute**.

3. The water may be withdrawn no earlier than **six hours after the start of water being released** into the drainage/ditch system from a pump site located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 12 North, Range 2 East of the 6th P.M. in Seward County. The Department reserves the right to make adjustments in the time delay in order to protect appropriators.
4. **Withdrawal from the stream will end simultaneously** when groundwater ceases to be released into the drainage/ditch system.
5. Map number 18735 depicts the location of the groundwater well; drainage/ditch system; location of where water is conducted into the stream; the entire stream reach; location of diversion out of the stream; and location of the use of water.
6. The Department retains the right to make adjustments to the amount of loss in transit. Transit loss includes that amount of water lost to seepage in the drainage/ditch system used to convey the water to the point of discharge into the Big Blue River.
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-4868.
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-4868.
9. The Department retains the right to require a measuring device, approved by the Department, at the point of discharge into the Big Blue River.
10. The measured rate of water withdrawn from the Big Blue River under CWG-4868 shall be no more than 80 percent of the measured flow out of the groundwater well into the drainage/ditch system that will transfer the water to the point of discharge into the Big Blue River.
11. The following is a description of the land proposed to be irrigated with water conducted under CWG-4868 as depicted on map number 18735 and is made a part of this Order:

Township 12 North, Range 2 East of the 6 th P.M. in Seward County	Acres
Section 22: NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.3
NE $\frac{1}{4}$ NE $\frac{1}{4}$	29.9
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>23.3</u>
TOTAL	59.5

12. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 1-D.
13. The permit holder is liable for any damages resulting from the activity authorized under this permit.
14. This permit approves the act of conducting water. Use of groundwater being conducted is authorized by the Upper Big Blue Natural Resources District.
15. This permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.
16. 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 25, 2014


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 18735 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18735 were mailed on July 25, 2014, to the following:

Kenneth and Carol Maca
3418 Davey Road
Staplehurst, Nebraska 68439-8826