

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWS-5378 FOR A PERMIT TO CONDUCT WATER IN STREAM CHANNELS  
UNDER SURFACE WATER PERMIT A-365R AND MAP NUMBER 19474

WATER DIVISION 1-A

BACKGROUND

1. On April 9, 2015, Dan Fitts, Vice President of Gering Irrigation District, filed application CWS-5378 in the Department of Natural Resources (Department) for a permit to conduct water from the North Platte River via the headgate of the Mitchell-Gering Canal.
2. On March 11, 2016, Dan Fitts filed in the Department map number 19474 showing the existing project under application CWS-5378.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application CWS-5378 and map number 19474 are APPROVED subject to the following limitations and conditions:

1. A plan for installing instantaneous and totalizing meters (measuring devices) must be filed within six months of the signing date of this application approval or conduct water application CWS-5378 will be CANCELLED.
2. The source of the water to be conducted is from the North Platte River via the headgate of the Mitchell-Gering Canal located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, Township 23 North, Range 60 West of the 6<sup>th</sup> P.M. in Goshen County, Wyoming.
3. Water will enter an underground pipeline from Gering Canal in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17, Township 21 North, Range 54 West of the 6<sup>th</sup> P.M. in Scotts Bluff County. It will travel through underground pipe to the point of entry into Gering Creek located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 07, Township 21 North, Range 54 West of the 6<sup>th</sup> P.M. in Scottsbluff County.
4. Water will be withdrawn from a pump site located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 07, Township 21 North, Range 54 West of the 6<sup>th</sup> P.M. in Scottsbluff County, as depicted on map number 19474.
5. Map number 19474 depicts the location of Gering Canal; underground pipeline; entire stream reach; location of the point of water entry into Gering Creek; location of the point of water withdrawal; and the location of use of water.
6. Water will be delivered at a rate not to exceed 4.5 cubic feet per second (cfs) (2,020 gallons per minute) via pipeline as indicated on map number 19474. At all times water will be withdrawn, simultaneously, at a rate not to exceed 4.3 cfs (1,930 gallons per minute) and must always be withdrawn at a rate not to exceed 95% of the rate of water entering Gering Creek.
7. The Bridgeport Field Office will monitor the act of conducting water under this permit. Therefore, the permit holder will notify the Bridgeport Field Office each season prior to conducting water under this permit.

8. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water entering Gering Creek for the purpose of irrigation and related to conducting water under conduct water permit CWS-5378.
9. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water withdrawn from Gering Creek for the purpose of irrigation and related to conducting water under conduct water permit CWS-5378.
10. All required meters must always be in good working condition while water is being conducted under this permit.
11. The Department retains the right to require a measuring device, approved by the Department, at the point of discharge into the underground pipeline from Gering Canal.
12. Conduct water permit CWS-5378 **may be used only** when Gering Canal is **actively delivering water**.
13. The following is a description of the land proposed to be irrigated with water conducted under CWG-5378 as depicted on map number 19474 and is made a part of this Order:

Township 21 North, Range 54 West of the  
6<sup>th</sup> P.M. in Scotts Bluff County      Acres

Section 07:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	2.6
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	12.8
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	36.7
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	39.5
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	38.0
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	39.7
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	37.3
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	40.0
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	40.0
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>40.2</u>
	TOTAL	326.8

14. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 1-A.
15. The permit holder is liable for any damages resulting from the activity authorized under this permit.
16. A permit to conduct water in stream channels is a privilege; it is not an appropriation. Therefore, water may not be diverted out of Gering Creek unless water is available from Gering Canal.
17. This permit may be CANCELLED if the permit holder fails to conduct water for more than five consecutive years.
18. This permit may be CANCELLED if the permit holder fails to comply with any conditions contained in this Order.

19. 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

April 18, 2016

  
Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed on April 18, 2016, to the following:

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