

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATIONS CWG-5617 AND CWG-5644

FOR PERMITS TO CONDUCT GROUNDWATER AND MAPS NUMBER 19532 AND 19530

WATER DIVISION 1-F

BACKGROUND

1. On April 11, 2016, Stephen A. and Geri E. Kean filed in the Department of Natural Resources (Department) application CWG-5617 for a permit to conduct water from groundwater well G-174881 into a tributary to Barney's Branch and remove a portion of the same water.
2. On April 28, 2016, Stephen A. and Geri E. Kean filed in the Department application CWG-5644 for a permit to conduct water from groundwater well G-174797 into a tributary to Barney's Branch and remove a portion of the same water.
3. Applications CWG-5617 and CWG-5644 request the act of conducting water from groundwater wells G-174881 and G-174797, connected in series by underground pipe and pumped at a maximum combined rate of 100 gallons per minute through a tributary to Barney's Branch into Kean Pond 2 for the purpose of irrigation. The Nemaha Natural Resources District was consulted and has no objections.
4. On May 12, 2016, Stephen A. Kean filed maps number 19532 and 19530 showing the project proposed under applications CWG-5617 and CWG-5644, respectively.
5. Water conducted under CWG-5617 and CWG-5644 will provide water for irrigation to land under storage use applications A-19431 and A-19437 from Kean Pond 2 (storage permit A-19430).

ORDER

IT IS HEREBY ORDERED that applications CWG-5617 and CWG-5644 and maps number 19532 and 19530, respectively, are APPROVED subject to the following limitations and conditions:

1. The source of water to be conducted is from groundwater wells G-174797 and G-174881 located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 02 North, Range 14 East of the 6th P.M. in Richardson County.

2. The groundwater will be pumped from the wells locations through underground pipe to a distribution basin as follows:
 - A. Groundwater well G-174797 (CWG-5644) will be pumped at a maximum rate of **30 gallons per minute, and;**
 - B. Groundwater well G-174881 (CWG-5617) will be pumped at a maximum rate of **70 gallons per minute.**
3. Groundwater from G-174797 and G-174881 will be combined in a distribution basin located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ where it will be pumped in series through underground pipe at a **maximum combined rate of 100 gallons per minute**, released into a tributary to Barney's Branch in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and flow into Kean Pond 2 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 14, Township 02 North, Range 14 East of the 6th P.M. in Richardson County.
4. Maps number 19532 and 19530 depict the location of the groundwater wells, distribution basin, pipelines, location of where water is conducted into a tributary to Barney's Branch, Kean Pond 2, location of diversion out of the reservoir, and location of the use of water.
5. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water entering the tributary to Barney's Branch for the purpose of irrigation and related to conducting water under conduct water permits CWG-5617 and CWG-5644.
6. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water withdrawn from Kean Pond 2 for the purpose of irrigation and related to conducting water under conduct water permits CWG-5617 and CWG-5644.
7. Withdrawal from Kean Pond 2 under CWG-5617 and CWG-5644 shall not exceed 95 percent of the amount of water pumped from groundwater wells G-174797 and G-174881 through the tributary to Barney's Branch.
8. The Department retains the right to assess a loss in transit should conditions warrant such an adjustment. Transit loss is water lost to the water system used to convey the water from the groundwater wells through a tributary to Barney's Branch to the point of withdrawal.
9. The following is a description of the land proposed to be irrigated with water conducted under CWG-5617 and CWG-5644 as depicted on maps number 19532 and 19530 which are made a part of this Order:

Township 02 North, Range 14 East of the
6th P.M. in Richardson County Acres

Section 14:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.7
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>30.5</u>
	TOTAL	139.5

10. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 1-F.
11. The permit holder is liable for any damages resulting from the activity authorized under this permit.
12. This permit approves the act of conducting water. Use of groundwater being conducted is authorized by the Nemaha Natural Resources District.
13. This permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.
14. 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 7, 2016


Gordon W. Fassett, 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 maps number 19532 and 19530 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 19532 and 19530 were mailed on July 7, 2016, to the following:

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