STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWG-1814 FOR A PERMIT TO CONDUCT GROUND WATER

WATER DIVISION 1-D

Background

1. On October 30, 2009, Melvin Weers filed in the Department of Natural Resources (Department) application CWG-1814 for a permit to conduct groundwater into a stream and remove a portion of the same water downstream.

2. The Lower Big Blue Natural Resources District (LBBNRD) was consulted and they found the use of the groundwater to be in compliance with the District's groundwater management rules.

Order

IT IS HEREBY ORDERED:

1. Application CWG-1814 is hereby APPROVED.

2. The source of water to be conducted is from a proposed groundwater well to be located in the NE¼SE¼ of Section 8, Township 2 North, Range 4 East of the 6th P.M. in Jefferson County.

3. The groundwater will be released into Big Indian Creek in the NE¼SE¼ of Section 8, Township 2 North, Range 4 East of the 6th P.M. in Jefferson County at a rate of 2.67 cubic feet per second (1,200 gallons per minute) and will flow in a southerly direction to where it will be withdrawn in the NW¼SE¼ of Section 27, Township 2 North, Range 4 East of the 6th P.M. in Jefferson County.

4. The Department has estimated the losses in transit to be fifty percent for the distance of 5.3 river miles. The amount of water withdrawn shall be limited to fifty percent of the amount of groundwater released into the stream.

5. The land that is proposed to be irrigated with this conducted water is located in portions of the NW¼ of Section 27, and the N½ of Section 28, both in Township 2 North, Range 4 East of the 6th P.M. in Jefferson County.

6. A map must be filed in the office of the Department by six months past the signing date of this application approval.

7. The Department retains the right to make adjustments to the amount of loss in transit.

8. Measuring devices, approved by the Department, are **required** at the point of release into the steam **and** the point of withdrawal from the stream.

9. The permit holder is liable for any damages resulting from the overflow of Big Indian Creek when water conducted contributes to an overflow.

10. This permit approves the act of conducting water. Use of water being conducted is authorized by the LBBNRD.

11. This permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.

DEPARTMENT OF NATURAL RESOURCES

December 14, 2010

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 approval 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 454 Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (P.O. Box 94676, 301 Centennial Mall South, 4th Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of $10.

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 Lincoln, Nebraska. Copies of this Order and the Department's transit loss estimation were mailed on December 14, 2010, to the following:

Melvin Weers
70975 580 Avenue
Diller, Nebraska 68342

Lower Big Blue Natural Resources District
P.O. Box 826
Beatrice, Nebraska 68310