

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWS-2209

FOR A PERMIT TO CONDUCT SURFACE WATER AND MAP NUMBER 17978

WATER DIVISION 1-D

Background

1. On October 28, 2011, Fred and Marilyn R. Root filed in the Department of Natural Resources (Department) application CWS-2209 for a permit to conduct surface water into a reservoir and remove a portion of the same water from said reservoir.
2. On December 13, 2011, David S. Clabaugh, Manager of the Lower Big Blue Natural Resources District which is the appropriator of the source of the water to be conducted under CWS-2209, filed in the Department map number 17978 showing land proposed to be irrigated under application A-18829 and CWS-2209.

Order

IT IS HEREBY ORDERED:

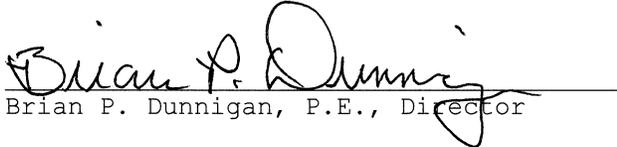
1. Application CWS-2209 and map number 17978 are hereby APPROVED.
2. The source of water to be conducted is from Mud Creek Reservoir 3-A (surface water appropriation A-10606) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 35, Township 3 North, Range 7 East of the 6<sup>th</sup> P.M. in Gage County. Irrigation with this water is permitted by appropriation A-18829.
3. A maximum of 154 acre-feet of water per annum will be released into an unpermitted reservoir in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 3 North, Range 7 East of the 6<sup>th</sup> P.M. in Gage County and will be withdrawn from the same reservoir. The water will be withdrawn from a pump site located on the left bank of the reservoir in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 3 North, Range 7 East of the 6<sup>th</sup> P.M. in Gage County.
4. The following is a description of all the land which can be irrigated with water conducted under CWS-2209 as depicted on map number 17978:

| <u>Township 3 North, Range 7 East of the</u><br><u>6<sup>th</sup> P.M. in Gage County</u> |                                   | <u>Acres</u> | <u>Township 3 North, Range 7 East of the</u><br><u>6<sup>th</sup> P.M. in Gage County</u> |                                   | <u>Acres</u> |
|---|-----------------------------------|--------------|---|-----------------------------------|--------------|
| Section 26:   | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 33.8         | Section 26:   | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 32.6         |
|   | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 32.9         |   | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 33.4         |
|   | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 34.2         |   | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 30.5         |
|   | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 33.8         |   | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | <u>6.2</u>   |
|   |                                   |              | TOTAL   |                                   | 237.4        |

5. Water pumped into the unpermitted reservoir in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 3 North, Range 7 East of the 6<sup>th</sup> P.M. in Gage County must be pumped out of the unpermitted reservoir as it enters the reservoir and may not reside there for longer than 24 hours.
6. Only the land shown on map 17978 may be irrigated under CWS-2209.
7. Measuring devices, approved by the Department, are **required** at the point of withdrawal from Mud Creek Reservoir 3-A **and** the point of withdrawal from the unpermitted reservoir.
8. The permit holder is liable for any damages resulting from the overflow of Mud Creek Reservoir 3-A or the unpermitted reservoir when water conducted contributes to an overflow.
9. This permit approves the act of conducting water. Use of water being conducted is authorized by appropriation A-18829.
10. This permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.

DEPARTMENT OF NATURAL RESOURCES

January 20, 2012

  
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 (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, 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. Copies of this Order and map number 17978 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17978 were mailed on January 20, 2012, to the following:

Fred and Marilyn R. Root  
8448 East Maple Road  
Beatrice, Nebraska 68310

Lower Big Blue Natural Resources District  
c/o David S. Clabaugh  
P.O. Box 826  
Beatrice, Nebraska 68310