STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWG-5389 FOR A PERMIT TO CONDUCT GROUNDWATER

AND MAP NUMBER 19277

WATER DIVISION 1-A

BACKGROUND

1. On April 20, 2015, Greg Baxter, on behalf of Big B, Inc., filed in the Department of Natural Resources (Department) application CWG-5389 for a permit to conduct groundwater into a tributary to Silver Creek and remove a portion of the same water via a lateral irrigation system.

2. On June 8, 2015, Greg Baxter, on behalf of Big B, Inc., filed in the Department map number 19277 showing land proposed to be irrigated under application CWG-5389.

ORDER

IT IS HEREBY ORDERED:

1. Application CWG-5389 and map number 19277 are APPROVED.

2. The source of water to be conducted is from groundwater well G-145775 located in the SW¼SW¼ of Section 12, Township 11 North, Range 11 West of the 6th P.M. in Hall County.

3. The groundwater from groundwater well G-145775 will be released into a tributary to Silver Creek in the SW¼SW¼ of Section 12, Township 11 North, Range 11 West of the 6th P.M. in Hall County. Water will be released from the groundwater well at a rate of 800 gallons per minute. The amount of water withdrawn shall be no more than the amount of water released into the tributary to Silver Creek. The water will be withdrawn via a lateral irrigation system traveling south from the NW¼NW¼ to the SW¼SW¼ and returning north to the NW¼NW¼ in Section 12, Township 11 North, Range 11 West of the 6th P.M. in Hall County. The land proposed to be irrigated with the conducted water is described below.

Township 11 North, Range 11 West of the 6th P.M. in Hall County		Acres
Section 12:	NW¼NW¼	36.1
	NE¼NW¼	21.2
	SW¼NW¼	36.0
	SE¼NW¼	21.6
	NW¼SW¼	36.1
	NE¼SW¼	22.1
	SW¼SW¼	17.1
	SE¼SW¼	10.5
	TOTAL	200.7

4. This conduct water permit does not allow the permit holder to divert any water from the creek. Therefore, the amount of water flowing from the project reach of the tributary to Silver Creek shall always equal or exceed the inflow of water into the project reach of the tributary to Silver Creek.

5. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water entering the stream from groundwater well G-145775 for the purpose of conducting water under conduct water permit CWG-5389.

6. A measuring device, approved by this Department, is **required** to be installed to meter the amount of water withdrawn from the tributary to Silver Creek via a lateral irrigation system and related to conduct water permit CWG-5389 prior to diverting any water.

7. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 1-A.

8. Approval of CWG-5389 is based on the information included and representations made in application CWG-5389 by Greg Baxter, on behalf of Big B, Inc. That information and those representations are considered terms of this approval, to which the permit holder must adhere.

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

10. This permit approves the act of conducting water. Groundwater irrigation may take place only if doing so is in compliance with all local District rules and regulations.

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

12. 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 27, 2015

James C. Schneider, Ph.D.
Acting 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 19277 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 19277 were mailed on July 27, 2015, to the following:

Greg Baxter
Big B, Inc.
4444 West 13th Street
Grand Island, Nebraska 68803