

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWS-1564 TO CONDUCT WATER UNDER WATER
APPROPRIATIONS A-4423, A-4423A, A-5710, A-10470, A-16399, A-16806,
A-17306 AND A-18310 AND MAP NUMBER 17317

WATER DIVISION 2-A

Background

1. On October 17, 2008, Michael Spotanski, on behalf of Loup Basin Reclamation District, filed application CWS-1564 for a permit to conduct water under appropriations A-4423, A-4423A, A-5710, A-10470, A-16399, A-16806, A-17306 and A-18310.
2. On November 14, 2008, Michael Spotanski, on behalf of Loup Basin Reclamation District, filed map number 17317 showing the lateral from Farwell Irrigation District South Canal to the PIWO Reservoir, storage appropriation A-18256 and the land proposed to be irrigated.

Order

IT IS HEREBY ORDERED:

1. Application CWS-1564 and map number 17317 are APPROVED.
2. The source of water to be conducted for CWS-1564 is surface water from the Middle Loup River under appropriation numbers A-4423, A-4423A, A-5710, A-10470, A-16399, A-16806, A-17306 and A-18310. Water from the Middle Loup River via the headgate of the Sherman Feeder Canal, through Sherman Reservoir and into the Farwell Main Canal will be released into a lateral that enters PIWO Reservoir, storage appropriation A-18256. The water will flow in a southeasterly direction to the point of diversion located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 14 North, Range 13 West of the 6th P.M. in Sherman County. The land to be irrigated with this conducted water is described below and shown on map number 17317 which is made a part of this Order.

<u>Township 14 North, Range 13 West of the</u>		
<u>6th P.M. in Sherman County</u>		<u>Acres</u>
Section 14:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.1
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	32.2
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>13.5</u>
	TOTAL	52.8

3. The Department retains the right to make adjustments to the amount of loss in transit.
4. The permit holder is liable for any damages resulting from any overflow when the water conducted contributes to that overflow.
5. This permit approves the act of water conduction. Use of the water being conducted is authorized by appropriations A-4423, A-4423A, A-5710, A-10470, A-16399, A-16806, A-17306 and A-18310.
6. This conduct water permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.

DEPARTMENT OF NATURAL RESOURCES

March 4 , 2009

/s/
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 order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, NE 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 17317 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17317 were mailed on March _____, 2009, to the following:

Thomas L. Knutson, Manager
Loup Basin Reclamation District and
Farwell Irrigation District
P.O. Box 137
Farwell, NE 68838-0137

Denis Kusek
78380 Rockville Avenue
Ashton, NE 68817