

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER TO INSTALL AND OPERATE A MEASURING DEVICE

UNDER CONDUCT WATER PERMIT C-36

WATER DIVISION 2-B

Background

1. Conduct water permit C-36 is held by Harvey Anderson.
2. On August 10, 2001, the Department of Natural Resources (Department) approved C-36 to conduct water from ground water well G-066953 located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 27 North, Range 5 East in Dixon County. Water may be conducted at a rate of 300 gallons per minute.
3. The approval of C-36 to conduct water contains a clause indicating that the Department may require the installation of a measuring device.
4. Nebraska Revised Statutes Sections 46-256 and 46-261 authorize the Department to require the installation and use of measuring devices as a condition to the use of water.
5. Nebraska Revised Statutes Section 61-206 (Cum. Supp. 2008) states in part that the Department "is given jurisdiction over all matters pertaining to water rights for irrigation, power, or other useful purposes except as such jurisdiction is specifically limited by statute."

Order

IT IS HEREBY ORDERED:

1. A measuring device approved by this Department is required to be installed to meter the amount of water withdrawn from ground water well G-066953 for the purpose of conducting water under conduct water permit C-36. The water shall be metered before it enters the tributary to Logan Creek.
2. A measuring device approved by this Department is required to be installed to meter water withdrawn from all points of diversion related to conduct water permit C-36 prior to diverting any water.
3. The land served under C-36 is also authorized for irrigation under appropriation A-17847.
4. If there is only one point of withdrawal coincident with Application A-17847, then one meter will suffice to measure withdrawal of water from the pump site as described above.

