

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWS-2298 FOR A PERMIT TO CONDUCT WATER

UNDER APPROPRIATION A-15868 AND MAP NUMBER 18240

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Philip R. and David L. Pierce, subject to the Life Estate of Evelyn A. Pierce, own land located in the SW $\frac{1}{4}$  of Section 24, Township 30 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County appurtenant to surface water appropriation A-15868.
2. Records on file in the Department show that Sherry A. Land, subject to the Life Estate of Evelyn A. Pierce, owns land located in the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 25, Township 30 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County appurtenant to surface water appropriation A-15868.
3. Appropriation A-15868 has a priority date of May 12, 1981, and authorizes the appropriator the use of 1.30 cubic feet per second (cfs) of water (583 gallons per minute) from the Middle Branch of Verdigre Creek at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 24, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, both in Township 30 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County for irrigation of 90.3 acres.
4. On March 22, 2012, Philip R. and David L. Pierce, on behalf of Sherry A. Land and themselves, filed in the Department application CWS-2298 for a permit to conduct water in stream channels.
5. On June 26, 2012, Philip R. Pierce, on behalf of Sherry A. Land, David L. Pierce and himself, filed in the Department map number 18240 showing land proposed to be irrigated under conduct water permit CWS-2298.

ORDER

IT IS HEREBY ORDERED:

1. Application CWS-2298 and map number 18240 are APPROVED.
2. The water shall be used for the purpose of irrigation.
3. The source of water to be conducted is from appropriation A-15868. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 24, Township 30 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County.

4. The water will be released into an unnamed reservoir located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 24, Township 30 North Range 8 West of the 6<sup>th</sup> P.M. in Knox County. Water will be released at a maximum rate of 1.29 cfs (579 gallons per minute). The amount of water withdrawn shall be no more than the amount of water released into the unnamed reservoir.
5. Conduct water permit CWS-2298 authorizes the permit holder to conduct water from the Middle Branch of Verdigre Creek, through an unnamed reservoir, to irrigate the 80.4 acres of land described below and depicted on map number 18240 which is made a part of this Order. The water will be withdrawn via pump located on the east bank of the reservoir located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 24, Township 30 North Range 8 West of the 6<sup>th</sup> P.M. in Knox County.

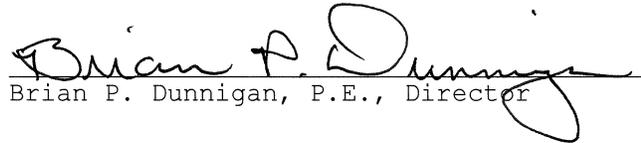
Township 30 North, Range 8 West of the 6 <sup>th</sup> P.M. in Knox County	Acres
Section 24: NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	29.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	25.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	16.0
Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.5
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>4.9</u>
TOTAL	80.4

6. Water may be conducted under permit CWS-2298 during the regular irrigation season from April 1 through October 30 of each year.
7. Conduct water permits CWS-2300 and CWS-2301 are operated in conjunction with CWS-2298 for irrigation of a 45.6 acre tract of land located in portions of the E $\frac{1}{2}$ SW $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 24, Township 30 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County.
8. 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 unnamed reservoir shall always equal or exceed the inflow of water into the unnamed reservoir.
9. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water entering the unnamed reservoir from the Middle Branch of Verdigre Creek for the purpose of conducting water under conduct water permit CWS-2298.
10. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water withdrawn from the unnamed reservoir via pump for the purpose of irrigation and related to conduct water permit CWS-2298.
11. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 2-C.
12. The permit holder is liable for any damages resulting from the activity authorized under this permit.

13. This permit approves the act of conducting water. Surface water irrigation may take place only if doing so is in compliance with all Department rules and regulations.
14. This permit may be cancelled if the permit holder fails to conduct water for more than a period of five consecutive years.
15. 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 25, 2012

  
Brian P. Dunnigan, P.E., Director

A copy of this approval was posted on the Department's website and provided to the Department's field office in Ord, Nebraska. A copy of this approval was mailed on July 25, 2012, to the following:

Evelyn A. Pierce  
51552 878 Road  
Verdigre, Nebraska 68783

Philip R. and David L. Pierce  
87746 516 Avenue  
Verdigre, Nebraska 68783

Sherry A. Land  
2518 Addison Avenue  
Scottsbluff, Nebraska 69361