

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION MIP-1877 TO CONSTRUCT A NEW DIVERSION DAM

FOR APPROPRIATIONS HELD BY THE CENTRAL IRRIGATION DISTRICT

WATER DIVISION 1-A

BACKGROUND

- Records on file in the Department of Natural Resources (Department) show that surface water appropriations D-926, A-365R (P-476B), A-768, and A-768R (P-477) are held by the Central Irrigation District. The following table summarizes these water appropriations.

Appropriation Number	Priority Date	Source	Acres	Grant in cfs ¹ for:	
				Irrigation	IUWS ²
D-926	06-23-1890	North Platte River	1,706.58	24.38	8.79
A-365R (P-476B)	08-17-1992	North Platte River	6.00	0.09	0.04
A-768 ³	09-19-1904	Pathfinder Reservoir	1,706.58	--	--
A-768R (P-477) ⁴	09-19-1904	Pathfinder Reservoir	6.00	--	--

¹ Cubic feet per second

² Incidental underground water storage

³ Supplemental to D-926

⁴ Supplemental to A-365R (P-476B)

Appropriations A-768 and A-768R (P-477) authorize the use of impounded water to supplement available natural flow which may be diverted under D-926 and A-365R (P-476B). Water is diverted from the North Platte River into the Central Canal at a headgate located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 22 North, Range 55 West of the 6th P.M. in Scotts Bluff County.

- In July of 1971, the Central Irrigation District lost the original sheet pile diversion dam located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 22 North, Range 55 West of the 6th P.M. in Scotts Bluff County at which time a temporary rock rubble diversion dam was installed.
- On February 11, 2011, pursuant to Neb. Rev. Stat. § 46-250 Richard Hass, President of Central Irrigation District, (Petitioner) filed in the Department petition MIP-1877 for approval to construct a new diversion dam. The Petitioner requests approval to construct a sheet pile weir across the North Platte River at the same location as the original diversion dam, replacing the current rip rap dam.
- Land entitled to irrigation under water appropriations from the North Platte River and Pathfinder Reservoir, via the Central Canal, are described on the Department's Order dated March 5, 1996, and shown on map number 15240.

ORDER

IT IS HEREBY ORDERED:

1. Petition MIP-1877, for permission to construct a new diversion dam for appropriations D-926, A-365R (P-476B), A-768 and A-768R (P-477) via the Central Canal is GRANTED.
2. All terms and conditions of appropriations D-926, A-365R, A-768 and A-768R remain in effect unless changed by this order.
3. The appropriator must notify the Bridgeport Field Office Supervisor at least 10 days prior to beginning of construction of the diversion structure.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

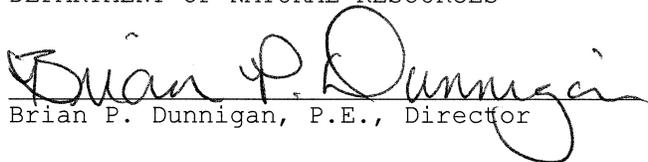
ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

April 26, 2011


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 *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 (4th Floor, Nebraska State Office Building P.O. Box 94676, 301 Centennial Mall South, 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. A copy of this Order was provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed on April 27, 2011, to the following:

Central Irrigation District
c/o Richard Hass, President
P.O. Box 497
Scottsbluff, NE 69363-0497