

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATIONS CWG-5505 AND CWG-5509

FOR PERMITS TO CONDUCT GROUNDWATER AND MAPS NUMBER 19355 AND 19356

WATER DIVISION 1-F

BACKGROUND

1. On July 13, 2015, Chad M. and Carol L. Herr filed in the Department of Natural Resources (Department) application CWG-5505 for a permit to conduct 250 gallons per minute of water from groundwater well G-152495 into Long Branch and remove a portion of the same water.
2. On July 30, 2015, Chad M. and Carol L. Herr filed in the Department application CWG-5509 for a permit to conduct 60 gallons per minute of water from groundwater well G-152496 into Long Branch and remove a portion of the same water.
3. Applications CWG-5505 and CWG-5509 request the act of conducting water from groundwater wells G-152495 and G-152496 constructed in series and pumped into a common carrier at a maximum combined rate of 310 gallons per minute for the purpose of irrigation. The Nemaha Natural Resources District was consulted and has no objections.
4. On October 6, 2015, Cade L. Herr; Chad M. and Carol L. Herr filed map number 19356 showing the project proposed under application CWG-5509.
5. On October 22, 2015, Cade L. Herr filed map number 19355 showing the project proposed under application CWG-5505.
6. Water conducted under CWG-5505 and CWG-5509 will provide water for irrigation to land under applications A-19379 and A-19389.

ORDER

IT IS HEREBY ORDERED that applications CWG-5505 and CWG-5509 and maps number 19355 and 19356, respectively, are APPROVED subject to the following limitations and conditions:

1. The source of water to be conducted under CWG-5505 is from groundwater well G-152495 located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 08, Township 03 North, Range 13 East of the 6th P.M. in Richardson County.
2. Groundwater from well G-152495 will be pumped into an underground pipe at a maximum rate of **250 gallons per minute, the registered pumping rate**, to the site of groundwater well G-152496.

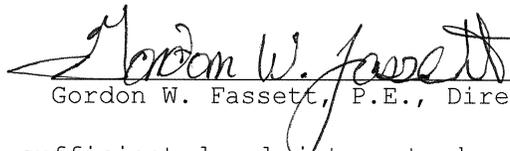
3. The source of water to be conducted under CWG-5509 is from groundwater well G-152496 located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 08, Township 03 North, Range 13 East of the 6th P.M. in Richardson County.
4. Groundwater from well G-152496 will be pumped at a maximum rate of **60 gallons per minute, the registered pumping rate**, combined with groundwater from well G-152495, carried over land through pipe and discharged into Long Branch.
5. Groundwater wells G-152495 and G-152496 will be pumped into a common carrier at a **maximum combined rate of 310 gallons per minute** for the purpose of irrigation and released into Long Branch at a point of entry located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 03 North, Range 13 East of the 6th P.M. in Richardson County, as depicted on maps number 19355 and 19356.
6. Maps number 19355 and 19356 depict the location of the groundwater wells, pipeline, location of where water is conducted into Long Branch, location of diversion out of Long Branch, and location of the use of water.
7. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water entering Long Branch for the purpose of irrigation and related to conducting water under conduct water permit CWG-5505 and CWG-5509.
8. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water withdrawn from Long Branch for the purpose of irrigation and related to conducting water under conduct water permits CWG-5505 and CWG-5509.
9. The measured rate of water withdrawn from Long Branch under CWG-5505 and CWG-5509 shall be no more than 95 percent of the measured flow out of the groundwater wells into and through Long Branch to the point of withdrawal at a maximum combined rate of no more than **295 gallons per minute**.
10. The Department retains the right to assess a loss in transit should conditions warrant such an adjustment. Transit loss is water lost to the water system used to convey the water from the groundwater wells through Long Branch to the point of withdrawal.
11. The following is a description of the land proposed to be irrigated with water conducted under CWG-5505 and CWG-5509 as depicted on maps number 19355 and 19356 which is made a part of this Order:

<u>Township 03 North, Range 13 East of the</u>		
<u>6th P.M. in Richardson County</u>		<u>Acres</u>
Section 17:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	25.1
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.9
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.6
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>8.0</u>
	TOTAL	72.6

12. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 1-F.
13. The permit holder is liable for any damages resulting from the activity authorized under this permit.
14. This permit approves the act of conducting water. Use of groundwater being conducted is authorized by the Nemaha Natural Resources District.
15. This permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.
16. 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

December 21, 2015


Gordon W. Fassett, 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 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 maps number 19355 and 19356 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 19355 and 19356 were mailed on December 21, 2015, to the following:

Bob Hilske
Nemaha Natural Resources District
62161 US Highway 136
Tecumseh, Nebraska 68450

Chad M. and Carol L. Herr
63151 718 Road
Humboldt, NE 68376

Cade L. Herr
63176 717 Road
Humboldt, NE 68376

Caleb M. Herr
71694 629 Avenue
Table Rock, NE 67447