

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

PETITION TO THE NEBRASKA DEPARTMENT OF NATURAL RESOURCES  
FOR LEAVE TO FILE OR CONSIDER AN APPLICATION FOR A NEW  
SURFACE WATER APPROPRIATION WITHIN A MORATORIUM OR STAY AREA  
UNDER TITLE 457 N.A.C. CHAPTER 23

<p>Complete items 1 through 5 by printing in ink or typing the appropriate information and by placing an X in the appropriate box. Attach supporting documentation and a \$10 non-refundable filing fee.</p>	<p><b>For Department Use Only</b></p>
<p>1. Name and address of petitioner:  Western Irrigation District Attn: Dennis Schilz 1106 East A St Ogallala NE 69153</p> <p>E-mail address: _____ Telephone No. (308 )2890313</p>	<p>Modification No.: VAR-4604 Date Filed: March 18, 2013 Time Filed: 8:05 AM SW Appropriation No.: _____ (if applicable) Right ID No.: _____ (if applicable) Water Division: 2-A Receipt No.: A-3926 Amount: 10.00</p>
<p>2. Check the situation that applies:</p> <p><input type="checkbox"/> Application Already Filed Application Number: _____</p> <p><input checked="" type="checkbox"/> Application Not Filed (Enclose copy of proposed application)</p>	
<p>3. Description of proposed project:</p> <p>In the non-irrigation season, divert excess stream flows for the purpose of re-charging the aquifer, via the existing Western Irrigation District canal. The head gate is located in Section 14, T12N, R43W, of the 6th p.m. in Deuel County, diverting from the South Platte River.</p>	
<p>4. The Proposed Project — (Check all that apply):</p> <p><input type="checkbox"/> 001.01 — Is a non-consumptive use</p> <p><input type="checkbox"/> 001.02 — Will replace (offset) any consumptive use (Attach Offset Plan)</p> <p><input checked="" type="checkbox"/> 001.03 — Is for possible unappropriated water (Attach Analysis)</p> <p><input type="checkbox"/> 001.04 — Existed before the stay or moratorium (Attach Proof)</p> <p><input type="checkbox"/> 001.05 — Addresses a public safety issue (Attach Explanation)</p> <p><input type="checkbox"/> 001.06 — Is a temporary use for public construction (&lt;10 AF)</p>	
<p>5. Other reason why a variance should be granted:</p> <p>Granting the variance will allow the applicant to provide broad benefits to local, regional and state interests. Specifically, the augmented flows will provide habitat for species as intended by the multi-state Platte River Cooperative Agreement. Augmented flow will further assist the applicant, Platte River NRDs, and the State of Nebraska meet their water obligation under the PRIP and LB 962.</p> <p>See attachment</p>	
<p>3-11-13 Date</p>	<p><i>Dennis Schilz</i> Signature of Applicant (or authorized agent)</p>

Send to the following address (along with \$10 non-refundable filing fee):

State of Nebraska  
Department of Natural Resources  
301 Centennial Mall South / PO Box 94676  
Lincoln, Nebraska 68509-4676  
(402) 471-2363

MOD-03182013 - 41604 - Pet 1

COPY

**STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
APPLICATION FOR A PERMIT TO APPROPRIATE WATER**

Complete items 1 through 10 by printing in ink or typing the appropriate information and by placing an X in the appropriate box.

**For Department Use Only**

1. Name and address of owner of land under proposed project. Names must be exactly as described on the deed or document transferring ownership of property. Landowner must sign the application.

Western Irrigation District  
Attn: Dennis Schilz  
1106 East A St  
Ogallala NE 69153

Filed in the office of the Department of  
Natural Resources at \_\_\_\_\_ a.m./p.m.  
on \_\_\_\_\_

E-mail address: \_\_\_\_\_ Telephone No. (308) 289-0313

Application No. \_\_\_\_\_

2. Name, address, and telephone number of applicant if different than landowner.

Map No. \_\_\_\_\_

Water Division \_\_\_\_\_

Receipt No. \_\_\_\_\_ Amount \_\_\_\_\_

Right ID \_\_\_\_\_

E-mail address: \_\_\_\_\_ Telephone No. ( ) \_\_\_\_\_

3a. A permit is sought to:

Use natural flow       Use impounded water\*

3b. A permit is sought for the purpose of:

Irrigation       Manufacturing       Domestic  
 Other \_\_\_\_\_  
 Temporary\*\* Ground Water Recharge

4a. Identify the source of water (name of stream or reservoir).

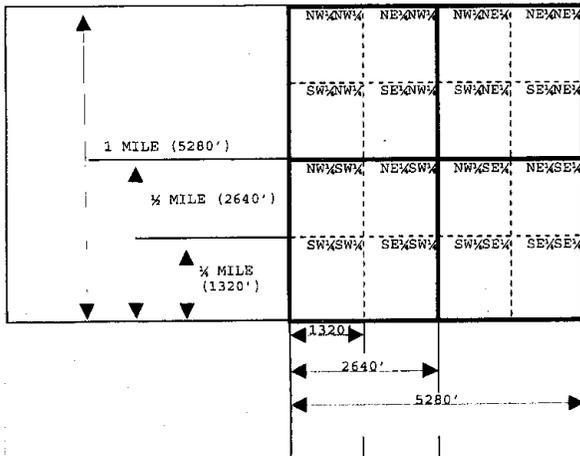
South Platte River

4b. If applicable, identify the facility name for transporting water from the source (portable pump, name of canal or pipeline).

Western Irrigation District

5. Identify the location of the  Headgate       Pump

Section 14 \_\_\_\_\_, Township 12 \_\_\_\_\_ North, Range 43 \_\_\_\_\_ E  W  County Deuel



The box at left represents one square mile (section). Place an X within each appropriate 40-acre tract to indicate the location(s) of each headgate or pump.

If applicable, indicate the height, in feet, of any diversion or check dams on the line below.

\_\_\_\_\_

\* A separate permit to impound water must be obtained.  
\*\* A temporary permit maybe granted for a maximum of one year.

6. If applicable, identify the location of lands by 40-acre subdivisions that will be irrigated.

LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres	LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres
TOTAL NUMBER OF ACRES TO BE IRRIGATED:									0.0

Enclosed is an aerial photograph that I have marked to show the approximate location of land to be irrigated as described above.

7. State the approximate quantity of water desired for appropriation 150

Gallons per minute  
 Cubic feet per second  
 Acre-feet (impounded water)

8a. State the estimated time required for completion of all water diversion facilities.  
all facilities are completed

8b. State the earliest date when water will have been used for beneficial purposes.  
early spring 2013 (see attachment)

9. Will this project be constructed under a federal program, receive federal funding, or have federal planning assistance?  
 No  Yes If yes, explain: \_\_\_\_\_

10. I certify that am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

3-11-13 Date *Dennis Edlitz* Signature of owner or owner's authorized agent (with proper documentation)

A final project map may accompany this application or must be filed within six months following departmental approval of this application, drawn in accordance with NAC Title 457 – Rules for Surface Water, Chapter 10, ([http://dnr.ne.gov/SurfaceWater/Title\\_457\\_0608.pdf](http://dnr.ne.gov/SurfaceWater/Title_457_0608.pdf)). At the request of the applicant, the Department will assist with preparation of the project map.

This form must be completed in full. An incomplete or defective application will be returned with 90 days being allowed for resubmission. Failure to resubmit a corrected application within this period shall cause dismissal of the application and consequent loss of priority and fees.

A non-refundable filing fee, payable to the Department of Natural Resources, computed from the table below must accompany this application. Forward this application and applicable fees to:

State of Nebraska  
 Department of Natural Resources  
 301 Centennial Mall South / P.O. Box 94676  
 Lincoln, Nebraska 68509-4676  
 (402) 471-2363

Nature of Use	Cost	Nature of Use	Cost
Domestic .....	\$10	Manufacturing	
Agricultural		General .....	\$10
Irrigation from Stream		Power Generation for each theoretical 50 horsepower .....	\$5
0-1,000 acres .....	\$200	Other .....	\$10
Each additional 1,000 acre unit .....	\$100		
or portion thereof in excess of the first 1,000 acre unit			
Irrigation from Storage Reservoir			
0-1,000 acres .....	\$50		
or portion thereof in excess of the first 1,000 acre unit			
Each additional 1,000 acre unit .....	\$25		
or portion thereof in excess of the first 1,000 acre unit			