STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-18496 FOR A PERMIT TO APPROPRIATE WATER

WATER DIVISION 2-C

Background

1. On March 28, 2007, Bruce L. Simmons filed application A-18496 in the Department of Natural Resources (Department) for a permit to appropriate water from Winslow Lake for the purpose of irrigation of land located in Section 28, Township 35 North, Range 35 West of the 6th P.M. in Cherry County.

2. Bruce L. Simmons applied for and received a groundwater well permit from the Middle Niobrara Natural Resources District for the purpose of withdrawing water for irrigation from an excavation dug on the periphery of Winslow Lake, a natural lake.

3. Nebraska Revised Statutes Section 46-601.1 (1)(b) defines a water well as any excavation made for any purpose if ground water flows into the excavation under natural pressure and a pump is placed in the excavation for the purpose of withdrawing water for irrigation.

4. On March 2, 2009, the Department registered water well G-152279 to Bruce L. Simmons for the purpose of "pit" irrigation of land located in Section 28, Township 35 North, Range 35 West of the 6th P.M. in Cherry County.

5. The applicant chose to proceed with irrigation from a groundwater well. Therefore, this application is no longer needed and should be dismissed.

Order

IT IS HEREBY ORDERED application A-18496 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

October 5, 2009

/s/
Brian P. Dunnigan, P.E., Director

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 Ord, Nebraska. A copy of this Order was mailed on October _____, 2009, to the following:

Bruce L. Simmons
8148 State Highway 27
Gordon, Nebraska 69343