

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION C-88 (CWS-1676) FOR A PERMIT TO CONDUCT  
SURFACE WATER UNDER WATER APPROPRIATION D-554

WATER DIVISION 2-C

Background

On March 7, 2007, William F. Grote, Manager, on behalf of 33 Ranch LLC, filed application C-88 (CWS-1676) for a permit to conduct water under Appropriation D-554.

Order

IT IS HEREBY ORDERED:

1. Application C-88 (CWS-1676) is hereby APPROVED.
2. The source of water to be conducted for C-88 (CWS-1676) is surface water from the Niobrara River under Appropriation D-554.
3. Water from the Niobrara River via the headgate of the Lakotah Canal will then be returned to the Niobrara River at a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 12, Township 30 North, Range 57 West of the 6<sup>th</sup> P.M. in Sioux County, and will flow in a southerly direction to where it will be withdrawn from the River in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, Township 30 North, Range 56 West of the 6<sup>th</sup> P.M. in Sioux County. The land that is proposed to be irrigated with this conducted water is described below.

Township 30 North, Range 56 West of the 6 <sup>th</sup> P.M. in Sioux County		Acres
Section 7:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	24.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.5
Section 18:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.9
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.9
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.3
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	28.7
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	31.6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.7
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	35.1
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	12.3

Township 30 North, Range 57 West of the 6 <sup>th</sup> P.M. in Sioux County	Acres
Section 12: SE¼SE¼	1.0
Section 13: NE¼NE¼	9.4
SE¼NE¼	<u>0.9</u>
TOTAL	272.8

4. A map must be filed in the office of the Department by six months past the signing date of this application approval.
5. The Department retains the right to make adjustments to the amount of loss in transit.
6. Measuring devices, approved by the Department, are required at the point of release into the river and the point of withdrawal from the river.
7. The permit holder is liable for any damages resulting from the overflow of the Niobrara River when water conducted contributes to an overflow.
8. This permit approves the act of conducting water. Use of water being conducted is authorized by appropriation D-554.
9. This permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.

DEPARTMENT OF NATURAL RESOURCES

July 14 , 2009

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/s/  
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 Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln Office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, NE 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 offices in Bridgeport and Crawford, Nebraska. A copy of this Order was mailed on July \_\_\_\_\_, 2009, to the following:

John Geiser, Manager  
33 Ranch LLC  
PO Box 327  
Harrison Nebraska 69346