

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CSW-19821 AND CSW-19822

FOR PERMITS TO CONDUCT WATER IN STREAM CHANNELS

UNDER SURFACE WATER APPROPRIATIONS A-2355, A-10281 AND A-3476

AND MAP NUMBER 20936

WATER DIVISION 1-A

BACKGROUND

1. On March 14, 2022, Devon Brundage, on behalf of The Central Nebraska Public Power and Irrigation District (CNPPID), filed in the Department of Natural Resources (Department) applications CSW-19821 and CSW-19822 for permits to conduct water from the Platte River and Kingsley Reservoir through Plum Creek as depicted on map number 20936 filed with the applications.

ORDER

IT IS HEREBY ORDERED that applications CSW-19821 and CSW-19822 and map number 20936 are APPROVED subject to the following limitations and conditions:

1. The source of the water to be conducted under CSW-19821 is from the Platte River via the headgate of the Tri-County Canal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 08, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County into the E-65 Lateral located in Section 01, Township 08 North, Range 23 West of the 6th P.M. in Gosper County.
2. The source of the water to be conducted under CSW-19822 is from Kingsley Reservoir via the headgate of the Tri-County Canal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 08, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County into the E-65 Lateral located in Section 01, Township 08 North, Range 23 West of the 6th P.M. in Gosper County.
3. The water may be released from E-65 Lateral at a maximum rate of **2.0 cubic feet per second (cfs) (898 gallons per minute)**, entering Plum Creek in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 08 North, Range 22 West of the 6th P.M. in Gosper County.
4. Water will be conducted through Plum Creek and withdrawn from a pump site located on the left bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 08 North, Range 21 West of the 6th P.M. in Gosper County at no more than a rate of 808 gallons per minute. At all times water will be withdrawn, **24 hours after the start of water being released**, at a total rate not to exceed 1.8 cfs (808 gallons per minute) and must always be **withdrawn at a rate not to exceed 90% of the rate of water entering Plum Creek.**

5. The water may be withdrawn no earlier than **24 hours after the start of water being released** into Plum Creek from a pump site located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 08 North, Range 21 West of the 6th P.M. in Gosper County as indicated on map number 20936. The Department reserves the right to make adjustments in the time delay in order to protect other appropriators.
6. **Withdrawal will end within 24 hours after** water ceases to be released into Plum Creek.
7. Map number 20936 depicts the location of the E-65 Lateral; entire stream reach; location of the point of water entry into Plum Creek; location of the point of water withdrawal; and the location of use of water.
8. The Department retains the right to make adjustments to the amount of loss in transit. Transit loss includes that amount of water lost from the point of entry to the point of withdrawal.
9. The Bridgeport Field Office will monitor the act of conducting water under these permits. Therefore, the permit holder will **notify the Bridgeport Field Office twenty-four hours prior to conducting water** under these permits.
10. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water entering Plum Creek for the purpose of irrigation and related to conducting water under conduct water permits CSW-19821 and CSW-19822.
11. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water withdrawn from Plum Creek for the purpose of irrigation and related to conducting water under conduct water permits CSW-19821 and CSW-19822.
12. All required meters must always be in good working condition while water is being conducted under these permits.
13. Conduct water permits CSW-19821 and CSW-19822 **may be used only** when E-65 Lateral is **actively delivering water**.
14. The following is a description of the land proposed to be irrigated with water conducted under CSW-19821 and CSW-19822 as depicted on map number 20936 and is made a part of this Order:

Township 08 North, Range 21 West of the 6 th P.M. in Gosper County	Acres
Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	24.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	19.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>2.0</u>
TOTAL	120.0

15. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 1-A.
16. The permit holder is liable for any damages resulting from the activity authorized under these permits.
17. In the event that the Department determines any other appropriator is harmed, a closing notice will be issued for withdrawal under permits CSW-19821 and CSW-19822.
18. A permit to conduct water in stream channels is a privilege; it is not an appropriation. Therefore, water may not be diverted out of Plum Creek unless water is available from Tri-County Canal through the E-65 Lateral.
19. These permits may be CANCELLED if the permit holder fails to conduct water for more than five consecutive years.
20. These permits may be CANCELLED if the permit holder fails to comply with any conditions contained in this Order.
21. 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



Thomas E. Riley, P.E., Director

April 21, 2022

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 to the following:

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