

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CSW-4872 FOR A PERMIT TO

CONDUCT WATER IN STREAM CHANNELS UNDER SURFACE WATER APPROPRIATION A-3476

AND MAP NUMBER 20036

WATER DIVISION 1-A

BACKGROUND

1. On November 26, 2013, Don Kraus, on behalf of The Central Nebraska Public Power and Irrigation District (CNPPID), filed in the Department of Natural Resources (Department) application CWS-4872 for a permit to conduct water from the Platte River through Plum Creek.
2. On August 10, 2017, Don Kraus filed in the Department map number 20036 showing the existing project under application CWS-4872.

ORDER

IT IS HEREBY ORDERED that application CWS-4872 and map number 20036 are APPROVED subject to the following limitations and conditions:

1. The source of the water to be conducted 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 water may be released from E-65 Lateral at a maximum rate of **2.2 cubic feet per second (cfs) (987 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.
3. Water will be conducted through Plum Creek and withdrawn from a pump site located on the left bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 08 North, Range 21 West of the 6th P.M. in Gosper County at no more than a rate of 898 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 At all times water will be withdrawn, **24 hours after the start of water being released**, at a total rate not to exceed 2.0 cfs (898 gallons per minute) and must always be **withdrawn at a rate not to exceed 90% of the rate of water entering Plum Creek.**
4. The water may be withdrawn no earlier than **24 hours after the start of water being released** into Plum Creek from a pump site located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 08 North, Range 21 West of the 6th P.M. in Gosper County as indicated on map number 20036. The Department reserves the right to make adjustments in the time delay in order to protect other appropriators.
5. **Withdrawal will end within 24 hours after water ceases to be released into Plum Creek.**

6. Map number 20036 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.
7. Conduct water CWS-4872 will be used concurrently with conduct water permit CWS-6271 under a common diversion delivery system.
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 this permit. Therefore, the permit holder will **notify the Bridgeport Field Office twenty-four hours prior to conducting water** under this permit.
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 permit CWS-4872.
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 permit CWS-4872.
12. All required meters must always be in good working condition while water is being conducted under this permit.
13. Conduct water permit CWS-4872 **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 CWG-4872 as depicted on map number 20036 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 21: NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3
NE $\frac{1}{4}$ NW $\frac{1}{4}$	6.1
SW $\frac{1}{4}$ NW $\frac{1}{4}$	22.6
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38.1
NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>10.4</u>
TOTAL	80.0

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 this permit.

17. In the event that the Department determines any other appropriator is harmed, a closing notice will be issued for the withdrawal under permit CWS-4872.
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. This permit may be CANCELLED if the permit holder fails to conduct water for more than five consecutive years.
20. This permit 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

March 5, 2020



Jesse Bradley, Interim 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 Bridgeport, Nebraska. A copy of this Order was mailed on March 5, 2020, to the following:

Van Fastenau, Irrigation Operations Manager
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