

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWS-2301

FOR A PERMIT TO CONDUCT SURFACE WATER AND MAP NUMBER 18242

WATER DIVISION 2-C

BACKGROUND

1. On March 22, 2012, Philip R. and David L. Pierce, on behalf of Lynn J. Pierce and Evelyn A. Pierce, filed in the Department of Natural Resources (Department) application CWS-2301 for a permit to conduct surface water into a reservoir and remove a portion of the same water from said reservoir.
2. On June 26, 2012, Philip R. Pierce, on behalf of Paul A. Pierce and Evelyn A. Pierce, filed in the Department map number 18242 showing land proposed to be irrigated under application A-18900 and CWS-2301.

ORDER

IT IS HEREBY ORDERED:

1. Application CWS-2301 and map number 18242 are hereby APPROVED.
2. The source of water to be conducted is from the Middle Branch of Verdigre Creek (surface water appropriation A-18900) from a point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 30 North, Range 8 West of the 6th P.M. in Knox County. Irrigation with this water is permitted by appropriation A-18900.
3. A maximum of 0.001 cubic feet per second (cfs) of water will be released into an unpermitted reservoir in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 30 North, Range 8 West of the 6th P.M. in Knox County and will be withdrawn from the same reservoir. The water will be withdrawn from a pump site located on the east bank of the reservoir in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 30 North, Range 8 West of the 6th P.M. in Knox County.
4. Conduct water permit CWS-2301 will be used concurrently with conduct water permits CWS-2298 and CWS-2300 under a common diversion delivery system.
5. The land described below and depicted on map number 18242, which is made a part of this Order, may be irrigated with water conducted under CWS-2301.

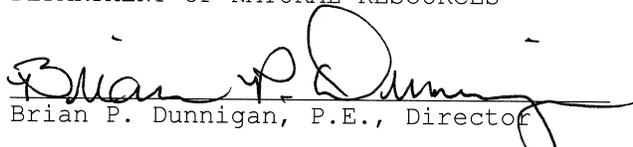
Township 30 North, Range 8 West of the
6th P.M. in Knox County Acres

Section 24: SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.1

6. Water pumped into the unpermitted reservoir in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 30 North, Range 8 West of the 6th P.M. in Knox County must be pumped out of the unpermitted reservoir as it enters the reservoir and may not reside there for longer than 24 hours.
7. Only the land shown on map 18242 may be irrigated under CWS-2301.
8. Measuring devices, approved by the Department, are **required** at the point of withdrawal from the Middle Branch of Verdigre Creek **and** the point of withdrawal from the unpermitted reservoir.
9. The permit holder is liable for any damages resulting from the overflow of the Middle Branch of Verdigre Creek or the unpermitted reservoir when water conducted contributes to an overflow.
10. This permit approves the act of conducting water. Use of water being conducted is authorized by appropriation A-18900.
11. This permit may be cancelled if the permit holder fails to conduct water for more than five consecutive years.

DEPARTMENT OF NATURAL RESOURCES

August 6, 2012


 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 *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 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. Copies of this Order and map number 18242 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18242 were mailed on August 6, 2012, to the following:

Lynn J. Pierce
 835 Cornhusker Avenue
 West Point, Nebraska 68788

Philip R. and David L. Pierce
 87746 516 Avenue
 Verdigre, Nebraska 68783

Evelyn A. Pierce
 51552 878 Road
 Verdigre, Nebraska 68783