

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION CWG-4774 FOR A PERMIT  
TO CONDUCT WATER IN STREAM CHANNELS AND MAP 18609

WATER DIVISION 1-D

BACKGROUND

1. On July 18, 2013, Dennis Bessler, Landowner, and Brandon Pohlmann, Operator, filed in the Department application CWG-4774 for a permit to conduct groundwater in a stream channel.
2. On August 6, 2013, Dennis Bessler filed map number 18609 showing land proposed to be irrigated under application CWG-4774.
3. This permit approves the act of conducting groundwater. The Lower Big Blue Natural Resources District was consulted and had no objections.

ORDER

IT IS HEREBY ORDERED:

1. Application CWG-4774 for a permit to conduct groundwater and map number 18609 are APPROVED.
2. The source of water to be conducted is from groundwater well G-047763 located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2, Township 3 North, Range 3 East of the 6<sup>th</sup> P.M. in Jefferson County.
3. The groundwater will be released into Cub Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2, Township 3 North, Range 3 East of the 6<sup>th</sup> P.M. in Jefferson County at a rate of 800 gallons per minute and will be withdrawn from Cub Creek at no more than a rate of 760 gallons per minute. The water will be withdrawn from a pump site located on the right bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2, Township 3 North, Range 3 East of the 6<sup>th</sup> P.M. in Jefferson County.
4. If the instantaneous rate of water conducted into the stream from the well is less than the rate described above, then the instantaneous amount of water withdrawn from the stream shall be no more than 95.0 percent of the total conducted into the stream.
5. The Department will make efforts to administer the stream so that the water conducted, less the appropriate conveyance losses through the system, may reach the withdrawal point. However, this is not a guarantee; the permit holder assumes the risk involved in this activity.

6. The Department retains the right to make adjustments to the amount of loss in transit.
7. The following land is authorized to be irrigated under conduct water permit CWG-4774 as depicted on map number 18609 which is made a part of this Order.

Township 3 North, Range 3 East of the  
6<sup>th</sup> P.M. in Jefferson County      Acres

Section 2:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	24	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7</u>	
	TOTAL	31	

8. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water entering Cub Creek for the purpose of irrigation and related to conducting water under conduct water permit CWS-4774.
9. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water withdrawn from Cub Creek for the purpose of irrigation and related to conducting water under conduct water permit CWS-4774.
10. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 1-D.
11. The permit holder is liable for any damages resulting from the activity authorized under this permit.
12. 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

October 10, 2013

  
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, 4<sup>th</sup> 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 18609 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18609 were mailed on October 10, 2013, to the following:

Dennis and Joyce Bessler  
P.O. Box 54  
Swanton, Nebraska 68445

Brandon Pohlmann, Operator  
57545 721<sup>st</sup> Road  
Plymouth, Nebraska 68424

Lower Big Blue Natural Resources District  
P.O. Box 826  
Beatrice, Nebraska 68310