

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP NUMBER 17451 FOR CONDUCT WATER PERMIT C-88 (CWS-1676)

WATER DIVISION 2-C

Background

1. On July 14, 2009, the Department of Natural Resources (Department) approved application C-88 (CWS-1676) for a permit to conduct surface water under appropriation D-554, conditional upon a map being filed within 6 months.
2. On July 29, 2009, John Geiser, Manager, on behalf of 33 Ranch LLC, filed map number 17451 in the Department showing land proposed to be irrigated under conduct water permit CWS-1676.

Order

IT IS HEREBY ORDERED:

1. Map number 17451 is 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 be returned to the Niobrara River at a maximum rate of 3.9 cubic feet per second beginning 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 P.M. in Sioux County, and will flow in a southerly direction to where it will be withdrawn from the River in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, Township 30 North, Range 56 West of the 6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 57 West of the	
<u>6<sup>th</sup> P.M. in Sioux County</u>	
	Acres
Section 12: SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.8
Section 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.4
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.9

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 $\frac{1}{4}$	<u>12.3</u>
	TOTAL	272.6

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

DEPARTMENT OF NATURAL RESOURCES

August 24, 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. Copies of this Order and map number 17451 were provided to the Department's field offices in Bridgeport and Crawford, Nebraska. Copies of this Order and map number 17451 were mailed on August \_\_\_\_\_, 2009, to the following:

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