

July 23, 2007

LR 198 testimony
Republican River Basin
Brad Edgerton

1. Meters are required on all surface water diversions in the Republican River Basin.
2. It was determined that an accurate reporting of water used and acres irrigated was in the interest of the State and also to help with administration. On two separate occasions the Department has issued an order to install a measuring device in the Republican River Basin. The first, on May 23, 1991 an order to install a meter was issued to all individual permits between Harlan County Reservoir and Guide Rock diversion dam, this was done to assist with administration only, reports were not required at this time; the second was on Feb. 10, 2000 and was issued to all natural flow and storage use permits in the Republican River Basin, in addition to installing a meter they were also required to file a water use report by Dec. 31 of each year.
3. During the irrigation season DNR personnel inspect each pump site for compliance with the Feb. 10, 2000 order, in addition we also check compliance of the provisions of the permit. Meter readings that we obtain during the summer are compared with the end of year meter readings that are furnished by the operator. The total volume of water pumped and acres irrigated are compiled and reported to the RRCA.
4. DNR attempts to read the meter and check for proper operation during the irrigation season, the operator reads the meter at the end of the season and reports to DNR.
5. These meter readings and annual reports are very useful during adjudication proceedings.
6. We do try to visit each pump site during irrigation season, I believe this is necessary regardless if they are required to have a meter installed. If we had to read the meters at the end of the year I estimate that it would take between 300 to 400 man hours to do that.
7. All natural flow permits are issued with a diversion rate, without meters it is nearly impossible for the operator to know if he is complying with this provision of his permit.

STATE OF NEBRASKA
DEPARTMENT OF WATER RESOURCES

In the Matter of Water Administration)
of the Republican River Basin.)
Water Division 1-B.)

ORDER TO INSTALL
MEASURING DEVICES AND REPORTS
FOR WATER APPROPRIATION A-3604

The above entitled matter came on for consideration before the Director of the Department of Water Resources on his own motion. The Director FINDS:

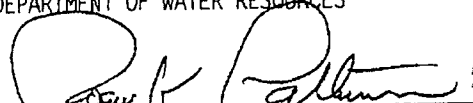
1. The approval of water appropriations diverting from the main stem of the Republican River and its tributaries contains a clause indicating that the Department of Water Resources may require the installation of a measuring device as provided by § 46-256, R.R.S., 1943, as amended.
2. Nebraska Revised Statutes §§ 46-256 and 46-261 authorize the Department of Water Resources to require the installation and use of measuring devices as a condition to the use of water.
3. It is in the interests of the State of Nebraska to obtain information on the amount of water that is being used within the State of Nebraska.
4. Nebraska Revised Statute § 46-209 states in part, "The Department of Water Resources is given jurisdiction over all matters pertaining to water rights for irrigation, power, or other useful purposes except as such jurisdiction is specifically limited by statute. It may request information relative to irrigation and water power works from any county, irrigation, or power officers and from any other persons..."

It is CONCLUDED that under the provisions of § 46-209, § 46-256, and § 46-261, the Department has the authority to require reporting of acres irrigated, amounts of water used, and to require measuring devices.

It is therefore ORDERED that by May 1, 2000, all water appropriations diverting water from the mainstem of the Republican River and all tributaries to the mainstem of the Republican River shall be equipped with measuring devices of a type approved by the Department. By December 31 of each year until this Order has been set aside, each appropriator shall file in the Department of Water Resources, on a form provided by the Department, a report of acres irrigated and/or amount of water used. Failure to comply with this Order shall cause the Department to issue an order closing the diversion works of the appropriator.

DEPARTMENT OF WATER RESOURCES

February 10, 2000


Roger K. Patterson, Director

A copy of this Order was mailed on February 10, 2000, to George A Mousel, Box 146, Cambridge, Nebraska 69022 and the Department's Division Office, Cambridge, Nebraska.

STATE OF NEBRASKA

DEPARTMENT OF WATER RESOURCES

J. Michael Jess
Director



E. Benjamin Nelson
Governor

May 23, 1991

IN REPLY REFER TO:

A-4205
A-4206

Ord Brothers
c/o Jerry W. Ord
RR 2, Box 18
Guide Rock, NE 68942

Dear Irrigator:

In recent years the Department has been requested to administer flows of the Republican River during times of shortage and during releases of storage water from Harlan County Reservoir for downstream canals.

In order for the Department to properly distribute water in the future, the enclosed Order requires you to install a measuring device (water meter) on your pumping system. This shall be required of all future appropriations in the same locality which may be granted by the Department. Thus, beginning with the irrigation season of 1991 the Department shall enforce those laws (Section 46-256 and 46-261, R.R.S. 1943, as amended) relating to measuring devices, copies of which are enclosed.

There are several water meters on the market that are acceptable. Manufacturers we are aware of are: Micrometer, Rockwell, Sparling and Badger. Such meters must be equipped to indicate the rate of discharge in cubic feet per second or gallons per minute and equipped to indicate the total volume pumped in acre-feet.

Non-metered diversions shall be closed during shortages regardless of priority of the water right and shall remain closed until an approved meter is installed or until such time as surplus flow returns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jess".

J. Michael Jess
Director

JMJ:clm
Enclosures

STATE OF NEBRASKA
DEPARTMENT OF WATER RESOURCES

In the Matter of Water Administration)
of the Lower Republican River.)
Water Division 1-B.)

ORDER TO INSTALL
MEASURING DEVICES

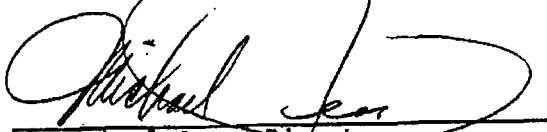
The above entitled matter came on for consideration before the Director of the Department of Water Resources. The Director FINDS:

1. The U.S. Bureau of Reclamation and both the Kansas and Nebraska Bostwick Irrigation Districts have requested administration of the Republican River in order to properly allocate natural flows and to protect releases of storage water from Harlan County Reservoir for delivery to their downstream canals.
2. The original approval of all water appropriations diverting from the main stem and all tributaries to that reach of the river contains a warning clause indicating that the Department of Water Resources may require the installation of a measuring device as provided by Section 46-256, Reissue Revised Statutes of Nebraska 1943.
3. During times of shortage proper distribution of water supplies can best be made with the aid of suitable measuring devices.

It is therefore ORDERED that:

1. After July 1, 1991, all water appropriations diverting from the main stem of the Republican River and all tributaries to the main stem of the Republican River, between Harlan County Dam and the Guide Rock Diversion Dam, shall be equipped with measuring devices.
2. Regardless of priority, during times of shortage or when releases of storage water from Harlan County Reservoir are being made, all such appropriations shall be denied water by the Department if not equipped with a satisfactory measuring device.

DEPARTMENT OF WATER RESOURCES


J. Michael Jess, Director

May 23, 1991

A-14696
A-14697
Harold Adam
508 - 11th Avenue
Franklin, NE 68939

Dennis E. Allacher
U.S. Bureau of Reclamation
1706 West 3rd Street
McCook, NE 69001-2159

A-12486
A-12486 (A-3558)
A-15555
Aleck Arneson
341 West 8th Street
Red Cloud, NE 68970

A-2318
A-3558
Aleck & June Arneson
341 West 8th Street
Red Cloud, NE 68970

A-16011
Marion A. Arneson
518 Lincoln
Wayne, NE 68787

A-13169
Lewis Artz
RR 1
Republican City, NE 68971

A-3079
Bean, Dunn & Dunn
c/o Edward D. Dunn
210 West 6th, Apt. 8
Red Cloud, NE 68970

A-3244
William R. & Elaine C. Beezley
RR 1, Box 133
Red Cloud, NE 68970

A-5439
Board of Educational Lands & Funds
State of Nebraska
555 North Cotner Blvd.
Lincoln, NE 68505

A-16956
Craig Bonham
RR 1
Franklin, NE 68939

A-15556
A-17068
Max L. Bonham
RR 2, Box 123
Franklin, NE 68939

A-2521
Bonham Farms, Inc
c/o Dean Bonham
RR 2, Box 117
Franklin, NE 68939

A-8272
Wayne Bonifas
RR 2, Box 22
Red Cloud, NE 68970

Bostwick Irrigation District
P.O. Box 446
Red Cloud, NE 68970-0446

A-5439
A-16841
Kenneth L. & Kathryn Bowen
941 North Walnut
Red Cloud, NE 68970

A-14166
Delmer Bradley
P.O. Box 116
Naponee, NE 68960

A-3216
A-4475
Delmer E. & Leah L. Bradley
P.O. Box 116
Naponee, NE 68960

A-4590
Donald E. Bradshaw
Bloomington, NE 68929

A-16841
Curt Brumbaugh
RR 1
Red Cloud, NE 68970

A-12716
Jerry Bush
RR 1
Riverton, NE 68972

A-12716
Richard Bush
RR 1, Box 63A
Riverton, NE 68972

A-13914
Busy B Ranch
c/o Ward Bryan
RR 2, Box 65
Holdrege, NE 68949

A-14563
Robert O. & Eleanor M. Carlson
Bloomington, NE 68929

A-14039
Aaron Casper
RR 1
Hildreth, NE 68947

A-14039
Motjie Casper
RR 1
Hildreth, NE 68947

A-5316
Jack K. Cline
RR 1, Box 192
Franklin, NE 68939

A-4782
Wyvern Cline
RR 1, Box 59
Franklin, NE 68939

A-14469
Edward H. Dallmann Farms, Ltd.
c/o Evelyn Dallmann Kesler
RR 1, Box 104
Franklin, NE 68939

A-11385
Francis & Mabel M. Doyle
RR 2
Red Cloud, NE 68970

A-13106
Loy Drake
RR 2, Box 47
Bloomington, NE 68929

A-16887
Lewis Driewer
RR 1, Box 61M
Republican City, NE 68971

A-6244
Dean Dunn
Bloomington, NE 68929

A-6244
Donald D. Dunn
P.O. Box 232
Bloomington, NE 68929

A-3079
Edward D. Dunn
210 West 6th Street
Red Cloud, NE 68970

A-6504
Edna M. Eckhardt
541 North Franklin Street
Red Cloud, NE 68970

A-6504
Lawrence Eckhardt
541 North Franklin Street
Red Cloud, NE 68970

A-16493
Farmers National Company
P.O. Box 426
Kearney, NE 68848

A-14697
Lena Fegter
c/o George Fegter, Jr.
925 P Street
Franklin, NE 68939

A-12804
Esther D. Ferdinand
RR 2
Holdrege, NE 68949

A-12804
Melvin Ferdinand
RR 2, Box 135
Holdrege, NE 68949

A-13571
Firstier Bank NA
Farm Management Division
P.O. Box 81008
Lincoln, NE 68501

A-12401
Wayne Fouts
RR 1, Box 130
Hildreth, NE 68947

A-4665
A-8525
Frey Brothers
c/o Neil O. Frey
605 North Jefferson
Red Cloud, NE 68970

A-6227
G. P. J. Company
c/o Bruce Johnston
RR 1, Box 131
Guide Rock, NE 68942

A-14453
Maynard L. & Janis C. Gall
RR 1, Box 84A
Naponee, NE 68960

A-1647
A-4445
Lindy D. Gardner
Bloomington, NE 68929

A-12513
Wayne J. Garrelts
P.O. Box 89
Hildreth, NE 68947

A-10852
Gerald Gleason
P.O. Box 67
Guide Rock, NE 68942

A-10852
A-16681
Phillip Gleason
RR 1
Guide Rock, NE 68942

A-13929
William A. (III) Goosic
RR 1, Box 29
Riverton, NE 68972

A-6163
Leonard O. Griffith
Red Cloud, NE 68970

A-5511
Gary D. Hamilton
RR 1
Riverton, NE 68972

A-13084
Hamilton & Gooder
c/o Gary D. Hamilton
P.O. Box 152
Riverton, NE 68972

A-11689
Aletha O. Hansen
842 North Elm
Red Cloud, NE 68970

A-13355
Dallas L. & Jolean A. Haring
RR 1, Box 75
Naponee, NE 68960

A-4815
A-6915
Dallas L. Haring
RR 1, Box 75
Naponee, NE 68960

A-6175
A-9065
A-16996
Leroy W. Harms
RR 1, Box 91
Franklin, NE 68939

A-5038
Verlin Harris
RR 2, Box 20
Red Cloud, NE 68970

A-15571
Hawkins Equipment Company
c/o Kim M Hawkins
2512 Deer Park Blvd.
Omaha, NE 68105

A-13588
Ryan Hawley
RR 1
Naponee, NE 68960

A-13587
A-13588
Ronald L. Hawley, et al.
RR 1, Box 85C
Naponee, NE 68960-9714

A-4365
A-14390
Gene & Avis Hayes Revocable Trust
RR 1, Box 52
Naponee, NE 68960

A-14750
Dwayne Heer
RR 1
Naponee, NE 68960

A-5439
Heitshusen & Paul
c/o Gerald Heitshusen
301 South Fork Place
South Sioux City, NE 68776

A-1615
A-5408
James & Bernard Holmberg
c/o James Holmberg
RR 1
Riverton, NE 68972

A-12522
A-16170
Dennis D. Holtzen
RR 1, Box 10
Inavale, NE 68952

A-4250
A-9507
A-15745
Humpert Farms, Inc.
c/o Paul Humpert
RR 1
Naponee, NE 68960

A-13889
Marie Jackson
P.O. Box 226
Franklin, NE 68939

A-5395
Kelly James
RR 2, Box 47
Inavale, NE 68952

A-13571
Jeanette H. Johnson
6148 North Ivan Avenue
Temple City, CA 91780

A-11744
Noble O. Johnson
2323 West 11th Street
Hastings, NE 68901

A-10960
Val Jean C. Johnson
RR 1, Box 77
Naponee, NE 68960

A-5363
K & H Farms, Inc.
c/o Kenneth Kahrs
1311 L Street
Franklin, NE 68939

A-3081
Bonnie Kahrs
RR 1, Box 49
Bloomington, NE 68929

A-3081
Della Kahrs
401 - 13th Avenue
Franklin, NE 68939

A-4590
A-5429
A-13529
Kenneth Kahrs
1311 L Street
Franklin, NE 68939

A-3134
Kahrs Farms, Inc.
c/o Jim Kahrs
RR 1, Box 94
Bloomington, NE 68929

A-5626
Kahrs Farms, Inc.
c/o Charles W. Kahrs
Bloomington, NE 68929

A-16998
Kahrs Farms, Inc.
RR 1, Box 30
Franklin, NE 68939

Kansas-Bostwick Irrigation-
District No. 2
P.O. Box 165
Courtland, KS 66939

A-3079
A-12485
Donald L. Kennedy
406 - 19th Avenue
Bloomington, NE 68929

A-15889
George Kleen
P.O. Box 267
Franklin, NE 68939

A-15180
Elton D. Kugler
RR 1, Box 34
Riverton, NE 68972

Robert D. Kutz
Nebraska-Kansas Projects Office
U.S. Bureau of Reclamation
P.O. Box 1607
Grand Island, NE 68802-1607

A-9470
Clarence H. & June E. Lammers
RR 1, Box 31
Riverton, NE 68972

A-10869
William A. Letson
RR 1, Box 104
Red Cloud, NE 68970

A-3248
A-12856
Delbert Lewis
P.O. Box 367
Red Cloud, NE 68970

A-11936
Arlo G. Lippstreu
RR 1, Box 106
Alma, NE 68920

A-14661
Loschen Farms, Inc.
c/o Dale Loschen
RR 1, Box 56
Wilcox, NE 68982

A-15251
Larry Marks
816 - 15th Avenue
Franklin, NE 68939

A-12450
Mary Lou McCracken
105 North Cherry Street
Red Cloud, NE 68970

A-13836
A-15647
Eva J. McNiff
Franklin, NE 68939

A-15647
A-13836
McNiff Family Partnership
c/o Richard T. McNiff
1302 "J" Street
Franklin, NE 68939

A-5450
A-12836
Carl D. Meline
RR 1, Box 53
Inavale, NE 68952

A-12558
Lloyd P. & Evelyn Mennenga
RR 2, Box 213
Holdrege, NE 68949

A-13148
Duane & Colleene C. Minnick
RR 1, Box 81
Riverton, NE 68972

A-15602
Robert D. Minnick
P.O. Box 237
Inavale, NE 68952

A-7439
A-14127
Harold E. Mitchell
727 North Chestnut
Red Cloud, NE 68970

A-8851
Morrison Enterprises
P.O. Box 609
Hastings, NE 68902

A-16578
William R. Nielsen
RR 3, Box 147
Minden, NE 68959

A-4205
John Ord
P.O. Box 158
Guide Rock, NE 68942

A-4205
A-4206
Ord Brothers
c/o Jerry W. Ord
RR 2, Box 18
Guide Rock, NE 68942

A-13796
Eugene & Jeanne Ortgiesen
RR 1, Box 44
Wilcox, NE 68982

A-13796
Lavern E. Ortgiesen
P.O. Box 206
Wilcox, NE 68982

A-13796
G. Leroy Ortgiesen, et al.
1715 South 47th
Lincoln, NE 68506

A-11280
Guy Patton
RR 2, Box 121A
Franklin, NE 68939

A-11689
Tony Peterson
RR 2, Box 141
Lebanon, KS 66952

David L. Pope
Division of Water Resources
Kansas State Board of Agriculture
901 South Kansas Avenue, Second Floor
Topeka, KS 66612-1283

A-13043
Bernice H. Post
P.O. Box 168
Naponee, NE 68960

A-13043
Charlotte Post
P.O. Box 196
Naponee, NE 68960

A-13043
W. Lynn Post
P.O. Box 196
Naponee, NE 68960

A-9550
R & J Farms, Inc.
RR 1, Box 91
Riverton, NE 68972

A-9744
A-12858
A-12884
A-12981
R & J Farms of Nebraska, Inc.
c/o Ralph Sindt
RR
Riverton, NE 68972

A-16493
Vivian C. Rasmussen
2540 West Lamar
Grand Island, NE 68801

A-16493
Rasmussen #9634
Robert Polk
P.O. Box 426
Kearney, NE 68848

A-11418
Gary D. Rasser
RR 2, Box 19
Red Cloud, NE 68970

A-11385
Gary D. & Lonny Rasser
RR 2, Box 19
Red Cloud, NE 68970

A-2357
A-2917
Rasser Farms, Inc.
c/o Ronald D. Rasser
RR 1, Box 3
Inavale, NE 68952

A-10177
Robert C. Reiher
RR 2, Box 126
Red Cloud, NE 68970

A-10177
Robert C. & Charles F. Reiher
RR 2, Box 126
Red Cloud, NE 68970

A-11797
James L. Reiss
P.O. Box 160
Wilcox, NE 68982

A-13585
Maxie J. Robinson, et al.
RR 1, Box 41
Bloomington, NE 68929

A-13085
Thomas E. Russell
RR 1, Box 37
Riverton, NE 68972

A-5395
Ruby Scharff
414 - 18th Avenue
Franklin, NE 68939

A-14621
Richard Schepler, et al.
RR 1, Box 22
Wilcox, NE 68982

A-13169
J. D. Schluntz
P.O. Box 5
Huntley, NE 68951

A-12803
A-14734
Neil Schnuerle
RR 2, Box 53
Bloomington, NE 68929

A-13547
Victor Schurman
1102 O Street
Franklin, NE 68939

A-15251
Robert Shilling
RR 2, Box 10
Franklin, NE 68939

A-5677
Edward Shute
RR 1, Box 91
Red Cloud, NE 68970

A-5677
George E. & Jaralie Shute
RR 1
Red Cloud, NE 68970

A-10631
Ralph & Jolene Sindt
RR 1
Riverton, NE 68972

A-9550
Ralph Sindt
RR 1, Box 91
Riverton, NE 68972

A-16765
Steven R. Sindt
RR 1, Box 45
Inavale, NE 68952

A-15447
Wilbur J. & Gloria Sindt
RR 1, Box 93
Riverton, NE 68972

A-12803
Donald L. & Joy E. Sindt Trust
c/o Ronald A. Sindt, Trustee
7527 Teakway
Cucamonga, CA 91730

A-5676
Bernard Sprague
840 West 7th
Red Cloud, NE 68970

A-15393
Illene Stratman
776 West Brewster
Minden, NE 68959

A-15393
A-15395
Rudolph H. Stratman
776 West Brewster
Minden, NE 68959

A-15394
Stratman & Duncan
c/o Rudolph H. Stratman
776 West Brewster
Minden, NE 68959

A-11354
Duane Stueck
734 North Locust Street
Red Cloud, NE 68970

A-11421
Milford Sundquist
RR
Republican City, NE 68971

A-15816
Kim Swearingen
P.O. Box 220
Davenport, NE 68335

A-12227
Clarence A. Talkington Estate
c/o C. Ardell Talkington
Red Cloud, NE 68970

A-5426
Edward Tietjen
RR 1, Box 112
Red Cloud, NE 68970

A-4205
A-5406
A-5426
Larry E. & Glenda M. Tietjen
607 West H Street
McCook, NE 69001

A-5439
A-16841
Twin Oaks Stock Farm
c/o Curt Brumbaugh
RR 1, Box 114
Red Cloud, NE 68970

A-6806
A-10376
Beatrice B. Watson
210 West 6th, #3
Red Cloud, NE 68970

A-16591
Faith Welter
3018 Indiana Street NE
Albuquerque, NM 87110

A-9224
Wilford Worman Estate
c/o Donald Worman, P.R.
RR 1, Box 37
Campbell, NE 68932

A-15339
Hansen-Wulf, Inc.
c/o Dennis Hansen
RR 2, Box 135
Red Cloud, NE 68970

Ronald L. Wunibald
Lower Republican NRD
P.O. Box 618
Alma, NE 68920

A-5403
Leonard V. Yelken
c/o Mike James
RR 1, Box 48
Riverton, NE 68972

A-12894
A-15562
Thomas C. Yelken
RR 1, Box 26
Franklin, NE 68939

A-15541
Stan Zalikowski
RR 1
Riverton, NE 68972

A-8728
A-14774
A-16766
Jay R. Ziegler
RR 1, Box 60
Riverton, NE 68972

A-2505
John Scott Ziegler
P.O. Box 146
Riverton, NE 68972