

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 17726 FOR WATER APPROPRIATION A-18723

WATER DIVISION 2-C

BACKGROUND

1. On October 13, 2010, James R. Maly filed in the Department of Natural Resources (Department) application A-18723 for a Permit to appropriate Water.
2. On November 2, 2010, James R. Maly filed in the Department map number 17726 showing land proposed to be irrigated under application A-18723.

ORDER

IT IS HEREBY ORDERED:

1. Map number 17726 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18723 as depicted on map number 17726 which is made a part of this Order.

Township 31 North, Range 10 West of the 6 th P.M. in Holt County		Acres
Section 18:	SW ¹ / ₄ NW ¹ / ₄	20.9
	SE ¹ / ₄ NW ¹ / ₄	18.7
	NW ¹ / ₄ SW ¹ / ₄	36.3
	NE ¹ / ₄ SW ¹ / ₄	19.6
	SW ¹ / ₄ SW ¹ / ₄	18.6
	SE ¹ / ₄ SW ¹ / ₄	<u>17.5</u>
	TOTAL	131.6

3. Appropriation A-18723 authorizes the appropriator the use of water for irrigation of the 131.6 acres of land described above. The water may be diverted from Spring Creek at a point of diversion in the NE¹/₄SW¹/₄ of Section 18, Township 31 North, Range 10 West of the 6th P.M. in Holt County, at a maximum rate of 1.88 cubic foot per second (cfs) (844 gallons per minute).

4. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated nor the least amount of water necessary for the production of crops in the exercise of good husbandry. Therefore, in any year when less than the maximum permitted acres are being irrigated, the quantity of water diverted at any time may be restricted to 1/70 cfs for each permitted acre being irrigated that year. This appropriation of water under any circumstance shall be limited annually to three acre-feet per acre of land on which water is actually and beneficially applied.
5. The appropriator is bound by all terms and conditions of the approval of application A-18723.

ADDITIONAL INFORMATION

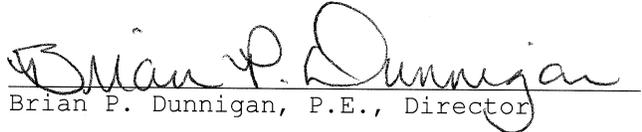
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

May 5, 2011


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* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (4th Floor, Nebraska State Office Building, 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 17726 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 17726, and Surface Water Administration brochure were mailed on May 5, 2011, to the following:

James R. Maly
14505 North 156th Street
Bennington, Nebraska 68007