

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 17820 FOR WATER APPROPRIATION A-18757

WATER DIVISION 2-C

BACKGROUND

1. On March 10, 2011, William H. and Mary Ann Birkel filed in the Department of Natural Resources (Department) application A-18757 for a Permit to Appropriate Water.
2. On March 30, 2011, William H. Birkel filed in the Department map number 17820 showing land proposed to be irrigated under application A-18757.

ORDER

IT IS HEREBY ORDERED:

1. Map number 17820 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18757 as depicted on map number 17820 which is made a part of this Order.

Township 32 North, Range 12 West of the
6th P.M. in Holt County Acres

Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$	12.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	21.3
SW $\frac{1}{4}$ NE $\frac{1}{4}$	28.7
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>30.4</u>

TOTAL 93.0

3. Appropriation A-18757 authorizes the appropriator the use of water for irrigation of the 93.0 acres of land described above. The water may be diverted from a tributary to Eagle Creek at a point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 32 North, Range 12 West of the 6th P.M. in Holt County, at a maximum rate of 1.33 cubic foot per second (cfs) (597 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-18757.

DEPARTMENT OF NATURAL RESOURCES

June 17, 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 17820 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 17820, and Surface Water Administration brochure were mailed on June 17, 2011, to the following:

William H. and Mary Ann Birkel
3761 L Road
David City, Nebraska 68632

Chris Kozisek
217 North 4th Street
O'Neill, Nebraska 68763