

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18306 FOR WATER APPROPRIATION A-18953

WATER DIVISION 1-C

BACKGROUND

1. On August 10, 2012, Daniel L. and Jeanette A. Shaw filed in the Department of Natural Resources (Department) application A-18953 for a Permit to Appropriate Water.
2. On August 10, 2012, Daniel L. and Jeanette A. Shaw also filed in the Department application A-18951 requesting supplemental storage to storage appropriation A-17752 in Dan Shaw Pond of 68 acre-feet of water from a Tributary to Elk Creek. The pump site for the point of diversion under A-18951 is off-channel and south of the dam. Based on the 34 acre-feet capacity of the reservoir, the applicant requests two additional fills per year. Together, appropriations A-17752 and A-18951 authorizes the appropriator to store a total of 102 acre-feet per year based on three fills of 34 acre-feet.
3. Previously, on August 6, 2012, Daniel L. and Jeanette A. Shaw filed in the Department application A-18952 for a permit to appropriate 34 acre-feet of on-channel water stored under appropriation A-17752 for the purpose of irrigation. Water diverted under A-18953 would serve the same land as authorized under application A-18952.
4. On September 4, 2012, Daniel L. Shaw filed in the Department map number 18306 showing land proposed to be irrigated under application A-18953.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18306 is APPROVED.
2. The following is a description of all the land which is authorized to be irrigated (appurtenant land) under surface water appropriation A-18953 as depicted on map number 18306:

<u>Township 3 North, Range 7 West of the</u> <u>6th P.M. in Nuckolls County</u>	<u>Acres</u>	<u>Township 3 North, Range 7 West of the</u> <u>6th P.M. in Nuckolls County</u>	<u>Acres</u>
Section 17: NW $\frac{1}{4}$ NW $\frac{1}{4}$	25.3	Section 17: NW $\frac{1}{4}$ SW $\frac{1}{4}$	19.6
		NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.8
NE $\frac{1}{4}$ NW $\frac{1}{4}$	28.3	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>4.3</u>
SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.0		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.3	TOTAL	140.6

3. Appropriation A-18953 authorizes the appropriator the use of 68 acre-feet annually from Dan Shaw Pond (storage appropriation A-18951) from a pump site located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 3 North, Range 7 West of the 6th P.M. in Nuckolls County.
4. The appropriator is bound by all terms and conditions of the approval of application A-18953.

DEPARTMENT OF NATURAL RESOURCES

March 15, 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, 4th 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 18306 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18306 were mailed on March 15, 2013, to the following:

Daniel L. and Jeanette A. Shaw
30460 Road Q
Edgar, Nebraska 68935