

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18340 FOR WATER APPROPRIATIONS A-18974A AND A-18974B

WATER DIVISION 1-D

BACKGROUND

1. On October 17, 2012, Kenneth L. Maca, on behalf of Carol Maca, Carol Niemann, and himself, owners of a portion of the NE $\frac{1}{4}$ of Section 22, Township 12 North, Range 2 East of the 6th P.M. in Seward County, filed in the Department of Natural Resources (Department) application A-18974 for a Permit to Appropriate Water.
2. On October 30, 2012, the Department received information that Brian K. and Tanya M. Woolsey own a portion of the land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 12 North, Range 2 East of the 6th P.M. in Seward County.
3. On December 5, 2012, Brian K. and Tanya M. Woolsey, co-applicants, corrected filed in the Department application A-18974.
4. On December 12, 2012, Kenneth L. Maca, on behalf of Carol Maca, Carol Niemann, Brian K. and Tanya M. Woolsey and himself, filed in the Department map number 18340 showing land proposed to be irrigated under application A-18974.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18340 is APPROVED.
2. Water appropriated under appropriations A-18974A and A-18974B will be served by a common pivot and diversion facility.
3. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18974A, currently held by Kenneth and Carol Maca and Carol Niemann, as depicted on map number 18340 which is made a part of this Order. Water diverted under appropriation A 18974A shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.80 cfs.

| Township 12 North, Range 2 East of the 6 th P.M. in Seward County | | Acres |
|---|-----------------------------------|-------------|
| Section 22: | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 6.3 |
| | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 29.9 |
| | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | <u>19.6</u> |
| | TOTAL | 55.8 |

4. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18974B, currently held by Brian K. and Tanya M. Woolsey, as depicted on map number 18340 which is made a part of this Order. Water diverted under appropriation A 18974B shall not exceed the ratio of one (cfs) for every 70 acres irrigated at a maximum rate of 0.05 cfs.

Township 12 North, Range 2 East of the
6th P.M. in Seward County Acres

Section 22: SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.7

5. Appropriations A-18974A and A-18974B have a priority date of October 17, 2012, and authorizes the appropriator the use of water for irrigation of a total of 59.5 acres of land described above. The water may be diverted from the Big Blue River at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 12 North, Range 2 East of the 6th P.M. in Seward County. Water diverted for appropriations A-18974A and A-18974B shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.85 cfs (381 gallons per minute).
6. Water diverted shall not exceed the ratio of 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 3 acre-feet per acre of land on which water is actually and beneficially applied.
7. The appropriators are bound by all terms and conditions of the approval of application A-18974A and A-18974B.

DEPARTMENT OF NATURAL RESOURCES

February 25, 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 18340 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 18340, and Surface Water Administration brochure were mailed on February 25, 2013, to the following:

Kenneth and Carol Maca
3418 Davey Road
Staplehurst, Nebraska 68439

Brian K. and Tanya M. Woolsey
2153 336th Road
Staplehurst, Nebraska 68439

Carol Niemann
c/o Kenneth Maca
3418 Davey Road
Staplehurst, Nebraska 68439

Greg Damman
BLEVENS & DAMMAN
129 North 5th Street
Seward, Nebraska 68434