STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18405 FOR WATER APPROPRIATION A-19007

WATER DIVISION 1-F

BACKGROUND

1. On January 15, 2013, John Herz filed in the Department of Natural Resources (Department) application A-19007 for a Permit to Appropriate Water.

2. On February 28, 2013, John Herz filed map number 18405 showing land proposed to be irrigated under application A-19007.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18405 is APPROVED.

2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19007 as depicted on map number 18405 which is made a part of this Order.

| Township 11 North, Range 14 East of the 6th P.M. in Cass County | | Acres |
|---|---|---|
| Section 29: | NE¼SE¼ | 15.6 |
| | SE¼SE¼ | 21.8 |
| | TOTAL | 37.4 |

3. Appropriation A-19007 has a priority date of January 15, 2013, and authorizes the appropriator the use of water for irrigation of the 37.4 acres of land described above. The water may be diverted from a tributary to the Missouri River at a point of diversion located on the right bank of the stream in the SW¼NW¼ of Section 28, Township 11 North, Range 14 East of the 6th P.M. in Cass County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.53 cfs (238 gallons per minute).

4. 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.

5. The appropriator is bound by all terms and conditions of the approval of application A-19007.

DEPARTMENT OF NATURAL RESOURCES

June 28, 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 18405 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 18405, and Surface Water Administration brochure were mailed on June 28, 2013, to the following:

John Herz
3612 Kenosha Road
Plattsmouth, Nebraska 68048