

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-2408 AND MAP 18304 TO CHANGE THE LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-2242

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2242 is held by Jeffery A. and Carolyn A. McManigal.
2. Appropriation A-2242 has a priority date of October 1, 1931, and authorizes the use of water for irrigation of 24.4 acres of land. The water may be diverted from Bazile Creek at a point of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 27, Township 31 North, Range 5 West of the 6<sup>th</sup> P.M. in Knox 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 0.35 cfs (157 gallons per minute).
3. On September 13, 2012, Jeffery A. McManigal filed petition RLP-2408 in the Department for a permit to change the location of diversion for appropriation A-2242.
4. On December 5, 2012, Jeffery A. McManigal filed map number 18304 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-2242 through petition RLP-2408.
5. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-2408 for a permit to change the location of diversion for appropriation A-2242 and map number 18304 are APPROVED.
2. Appropriation A-2242 through petition RLP-2408 is now A-2242R.

3. Appropriation A-2242R shall be shown in the Department's records authorizing the use of water to irrigate 24.4 acres of land described below and depicted on map number 18304, which is made a part of this Order. The water may be diverted from Bazile Creek at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 27, Township 31 North, Range 5 West of the 6<sup>th</sup> P.M. in Knox County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.35 cfs (157 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 31 North, Range 5 West of the 6<sup>th</sup> P.M. in Knox County</u>	<u>Acres</u>
Section 27: NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>18.4</u>
TOTAL	24.4

4. All terms and conditions of appropriation A-2242 remain in effect unless specifically changed by this Order.
5. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
  - A. Notify the Department of any change in ownership or address.
  - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
  - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

ADDITIONAL INFORMATION

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

Nebraska law provides that failure to use an 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.

DEPARTMENT OF NATURAL RESOURCES

February 26, 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, 4<sup>th</sup> 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 18304 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 18304 were mailed on February 26, 2013, to the following:

Jeffrey A. and Carolyn J. McManigal  
88347 531 Avenue  
Center, Nebraska 68724