

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18323 FOR WATER APPROPRIATION A-18970

WATER DIVISION 1-F

BACKGROUND

1. On September 25, 2012, John E. and Dorothy M. Beutler, landowners, and Timothy C. Rist, on behalf of Rist Farm, Inc., operator, filed in the Department of Natural Resources (Department) application A-18970 for a Permit to Appropriate Water.
2. On November 6, 2012, Timothy C. Rist, on behalf of Rist Farm, Inc., filed in the Department map number 18323 showing land proposed to be irrigated under application A-18970.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18323 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18970 as depicted on map number 18323 which is made a part of this Order.

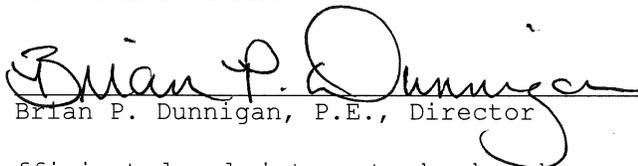
Township 2 North, Range 15 East of the  
6<sup>th</sup> P.M. in Richardson County Acres

Section 28:	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	32.3
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	28.0
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	40.0
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	36.7
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	7.9
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	21.3
Section 33:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	39.3
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	34.1
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	1.3
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	1.7
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	21.7
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	18.6
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	9.1
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	0.4
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	<u>2.4</u>
TOTAL		294.8

3. Appropriation A-18970 has a priority date of September 25, 2012, and authorizes the appropriator the use of water for irrigation of the 294.8 acres of land described above. The water may be diverted from the North Fork of the Big Nemaha River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33, Township 2 North, Range 15 East of the 6<sup>th</sup> P.M. in Richardson 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 4.21 cfs (1,889 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 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-18970.

DEPARTMENT OF NATURAL RESOURCES

January 31, 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 18323 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 18323, and Surface Water Administration brochure were mailed on January 31, 2013, to the following:

John E. and Dorothy M. Beutler  
12455 Woodcrest Drive  
Omaha, Nebraska 68137

Rist Farm, Inc.  
c/o Timothy C. Rist  
71191 633 Avenue  
Humboldt, Nebraska 68376