STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-5271 AND MAP 19148 TO CHANGE THE LOCATION OF DIVERSION FOR WATER APPROPRIATION A-10458B

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10458B is held by George and Carol Peterson.

2. Appropriation A-10458B has a priority date of October 21, 1964, and authorizes the use of water for irrigation of 24.3 acres of land. The water may be diverted from Buffalo Creek at points of diversion located on both banks of the stream in the SE¼NW¼ and SE¼SW¼ of Section 7, Township 1 North, Range 40 West of the 6th P.M. in Dundy County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.34 cfs from all points of diversion.

3. On January 2, 2015, George and Carol Peterson filed in the Department petition RLP-5271 for a permit to change the location of diversion for appropriation A-10458B.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-5271 for a permit to change the location of diversion for appropriation A-10458B and map number 19148 are APPROVED.

2. Appropriation A-10458B through petition RLP-5271 is now A-10458BR.

3. Appropriation A-10458BR shall be shown in the Department's records authorizing the use of water to irrigate 24.3 acres of land described below and depicted on map number 19148, which is made a part of this Order. The water may be diverted from Buffalo Creek at a point of diversion located on the left bank of the stream in the NE¼SE¼ of Section 18, Township 1 North, Range 40 West of the 6th P.M. in Dundy County, as depicted on map number 19148. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.34 cfs (153 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 1 North, Range 40 West of the 6th P.M. in Dundy County	Acres
Section 17: NW¼SW¼	24.3

4. All terms and conditions of appropriation A-10458 and A-10458B 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 25, 2015

James C. Schneider, Ph.D.
Acting 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 19148 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order and map number 19148 were mailed on February 25, 2015, to the following:

George and Carol Peterson
70441 Green Road
Haigler, Nebraska 69030