

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18784 FOR WATER APPROPRIATION A-19174

WATER DIVISION 1-F

BACKGROUND

1. On January 10, 2014, Derek McGinnis, applicant, and Earl and Marie Biere, landowners, filed in the Department of Natural Resources (Department) application A-19174 for a Permit to Appropriate Water.
2. On March 5, 2014, Derek McGinnis filed in the Department map number 18784 showing land proposed to be irrigated under application A-19174.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18784 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19174 as depicted on map number 18784 which is made a part of this Order.

Township 8 North, Range 12 East of the  
6<sup>th</sup> P.M. in Otoe County Acres

Section 24:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	38.8
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>39.5</u>

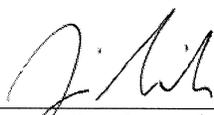
TOTAL 144.7

3. Appropriation A-19174 has a priority date of January 10, 2014, and authorizes the appropriator the use of water for irrigation of the 144.7 acres of land described above. The water may be diverted from the North Fork of the Little Nemaha River at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, Township 8 North, Range 12 East of the 6<sup>th</sup> P.M. in Otoe County, as depicted on map number 18784. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 2.07 cfs (929 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; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
5. The appropriator is bound by all terms and conditions of the approval of application A-19174.

DEPARTMENT OF NATURAL RESOURCES

July 9, 2015

  
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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, 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 18784 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 18784, and Surface Water Administration brochure were mailed on July 9, 2015, to the following:

Earl and Marie Biere  
512 9<sup>th</sup>  
Brock, Nebraska 68320

Derek McGinnis  
5229 M Road  
Nebraska City, Nebraska 68410