

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19441 AND MAP NUMBER 19559

WATER DIVISION 1-C

BACKGROUND

1. On June 1, 2016, Wesley G. Fuller, on behalf of Verna M. Fuller, Renae C. Fuller, Julie V. Hofeldt, Kevin W. Fuller and himself, filed in the Department of Natural Resources (Department) application A-19441 for a Permit to Appropriate Water and map number 19559 showing land proposed to be irrigated under application A-19441.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19441 and map number 19559 are APPROVED subject to the following limitations and conditions:

1. The following is a description of all the land which is authorized to be irrigated (appurtenant land) under surface water appropriation A-19441 as depicted on map number 19559:

Township 01 North, Range 03 West of the	
<u>6th P.M. in Thayer County</u>	
	Acres
Section 18:	
NE ¹ / ₄ NW ³ / ₄	0.7
SW ¹ / ₄ NW ³ / ₄	5.0
SE ¹ / ₄ NW ³ / ₄	36.2
NW ¹ / ₄ SW ¹ / ₄	12.8
NE ¹ / ₄ SW ¹ / ₄	40.0
SW ¹ / ₄ SW ¹ / ₄	0.9
SE ¹ / ₄ SW ¹ / ₄	<u>20.6</u>
TOTAL	116.2

2. Appropriation A-19441 has a priority date of June 1, 2016, and authorizes the appropriator the use of 100.0 acre-feet annually from Fuller Family Reservoir (storage appropriation A-18782) from a pump site located in the SE¹/₄SW¹/₄ of Section 18, Township 01 North, Range 03 West of the 6th P.M. in Thayer County, as depicted on map number 19559.
3. This appropriation will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 100.0 acre-feet per annum.

4. Only the land shown on map number 19559 may be irrigated under appropriation A-19441.
5. A measuring device, approved by the Department, may be required if so ordered by the Department.
6. The appropriator must comply with all relevant statutes. The statutes include, but are 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.
7. The appropriator must comply with the following deadlines:
 - A. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19441 must be beneficially used by September 1, 2019.
 - B. After September 1, 2019, a field investigation will be conducted to determine the acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriation A-19441.

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 result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

July 29, 2016


Gordon W. Fassett, 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 19559 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19559 were mailed on July 29, 2016, to the following:

Verna M. Fuller
Wesley G. Fuller, Trustee
P.O. Box 5
Byron, Nebraska 68325

Kevin W. Fuller
520 Dover Street
Hardy, Nebraska 68943

Julie V. Hofeldt
1853 South 56th Street
Lincoln, Nebraska 68106

Rena C. Fuller
458 Road 5500
Deshler, Nebraska 68340

Wesley G. Fuller
P.O. Box 5
Byron, Nebraska 68325