

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19394 AND MAP NUMBER 19440

WATER DIVISION 1-C

BACKGROUND

1. On November 17, 2015, Michael D. Onnen, Manager of the Little Blue Natural Resources District, on behalf of the United States Department of Agriculture, filed in the Department of Natural Resources (Department) application A-19394 for a Permit to Appropriate Water.
2. On February 3, 2016, Michael D. Onnen filed in the Department map number 19440 showing land proposed to be irrigated under application A-19394.

ORDER

IT IS HEREBY ORDERED that application A-19394 and map number 19440 are APPROVED subject to the following limitations and conditions:

1. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19394 as depicted on map number 19440 which is made a part of this Order.

<u>Township 06 North, Range 07 West of the 6<sup>th</sup> P.M. in Clay County</u>	<u>Acres</u>	<u>Township 06 North, Range 07 West of the 6<sup>th</sup> P.M. in Clay County</u>	<u>Acres</u>
Section 16: SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	0.6	Section 21: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	32.1
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	0.5	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	33.2
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	35.5	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	33.3
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	35.1	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	34.8
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	31.4	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	33.9
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	31.2	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	31.5
		SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	35.1
Section 17: NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	1.6	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	33.3
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	34.6		
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	1.4	Section 29: NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	26.1
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	33.4	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	25.4
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	4.6	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	38.0
SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	4.9	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	5.2
		SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	37.5
Section 20: NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	15.8	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	5.0
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	15.7		
		Section 33: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	33.4
NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	38.4	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	33.2
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	12.9	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	31.2
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	39.4	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	31.4
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	13.0		
		TOTAL	883.6

2. Appropriation A-19394 has a priority date of November 17, 2015, and authorizes the appropriator the use of 837 acre-feet annually from Big Sandy Reservoir 20-6-7 (storage appropriation A-15897) from pump sites located in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 20, Township 06 North, Range 07 West of the 6<sup>th</sup> P.M. in Clay County, as depicted on map number 19440, to divert water for irrigation from this reservoir.
3. Only the land shown on map number 19440 may be irrigated under appropriation A-19394.
4. 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 837 acre-feet per annum.
5. 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.
6. The appropriator must comply with the following deadlines:
  - A. Construction of the diversion works must begin within twelve months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
  - B. Construction of the project must be completed by two years past the signing date of this application approval.
  - C. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19394 must be beneficially used by September 1, 2018.
  - D. After September 1, 2018, 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-19394.

#### 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

February 22, 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, 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 19440 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19440 were mailed on February 22, 2016, to the following:

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Davenport, Nebraska 68335

Bucky Herman  
U.S. Department of Agriculture  
Meat Animal Research Center  
P.O. Box 166  
Clay Center, Nebraska 68335