

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18262 FOR WATER APPROPRIATION A-18937

WATER DIVISION 1-D

BACKGROUND

1. On June 26, 2012, the Nebraska Trails Association, landowner, and Donald C. Schuller, tenant filed in the Department of Natural Resources (Department) application A-18937 for a Permit to Appropriate Water.
2. On August 24, 2012, Donald C. Schuller filed in the Department map number 18262 showing land proposed to be irrigated under application A-18937.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18262 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18937 as depicted on map number 18262 which is made a part of this Order.

Township 2 North, Range 7 East of the
6th P.M. in Gage County

	Acres
Section 35: NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.1
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>1.5</u>

TOTAL 3.6

3. Appropriation A-18937 authorizes the appropriator the use of water for irrigation of the 3.6 acres of land described above. The water may be diverted from the Big Blue River at a point of diversion on the left bank of the stream located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 2 North, Range 7 East of the 6th P.M. in Gage County, at a maximum rate of 0.05 cubic feet per second (cfs) (22 gallons per minute). The diversion and delivery systems of water for this appropriation is shared with appropriation A-18866.

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-18937.

DEPARTMENT OF NATURAL RESOURCES

November 2, 2012


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, 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 18262 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 18262, and Surface Water Administration brochure were mailed on November 2, 2012, to the following:

Nebraska Trails Association
5601 Guenevere Lane
Lincoln, Nebraska 68512

Donald C. Schuller, Tenant
9415 East Sage Road
Wymore, Nebraska 68466