

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 17614 FOR WATER APPROPRIATION A-18687

WATER DIVISION 1-D

BACKGROUND

1. On February 2, 2010, the Lower Big Blue Natural Resources District (District), on behalf of landowners Dean and Lisa Otto filed in the Department of Natural Resources (Department) application A-18687 for a Permit to Appropriate Water.
2. On February 3, 2011, the Department approved application A-18687. The approval was conditional upon a map being filed with the Department within six months of the application approval.
3. On May 5, 2011, Dean and Lisa Otto filed map number 17614 showing land proposed to be irrigated under application A-18687.

ORDER

IT IS HEREBY ORDERED:

1. Map number 17614 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18687 as depicted on map number 17614 which is made a part of this Order.

Township 5 North, Range 7 East of the <u>6<sup>th</sup> P.M. in Gage County</u>	Acres
Section 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.6
NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>34.9</u>
TOTAL	68.5

3. Dean and Lisa Otto are allowed to divert 28.4 acre-feet annually from Bear-Pierce-Cedar Reservoir 5-B (storage appropriation A-13244) from a pumpsite located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, Township 5 North, Range 7 East of the 6<sup>th</sup> P.M. in Gage County, with permission from the appropriator of A-13244, the Lower Big Blue Natural Resources District, to irrigate the land described above.
4. The appropriator is bound by all terms and conditions of the approval of application A-18687.

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 or the location of the place of use.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources 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

June 29, 2011

  
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* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (4<sup>th</sup> Floor, Nebraska State Office Building, 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 17614 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 17614 were mailed on June 29, 2011, to the following:

Lower Big Blue Natural Resources District  
P.O. Box 826  
Beatrice, Nebraska 68310

Dean and Lisa Otto  
255 State Highway 43  
Adams, Nebraska 68301