

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 17785 FOR WATER APPROPRIATION A-18745

WATER DIVISION 1-D

BACKGROUND

1. On February 3, 2011, Darrell D. and Sue A. Bruns filed in the Department of Natural Resources (Department) application A-18745 for a Permit to Appropriate Water.
2. On April 27, 2011, Darrell D. Bruns filed map number 17785 showing land proposed to be irrigated under application A-18745.

ORDER

IT IS HEREBY ORDERED:

1. Map number 17785 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18745 as depicted on map number 17785 which is made a part of this Order.

Township 2 North, Range 8 East of the 6 th P.M. in Gage County		Acres
Section 20:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.1
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	35.1
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>23.9</u>
	TOTAL	89.9

3. Appropriation A-18745 authorizes the appropriator the use of water for irrigation of the 89.9 acres of land described above. The water may be diverted from Wildcat Creek at a point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 2 North, Range 8 East of the 6th P.M. in Gage County, at a maximum rate of 1.28 cubic feet per second (cfs) (574 gallons per minute).

4. The rate that water may be diverted shall not exceed 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-18745.

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.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

June 8, 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 (4th 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 17785 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 17785, and Surface Water Administration brochure were mailed on June 9, 2011, to the following:

Darrell D. & Sue A Bruns
P.O. Box 552
Beatrice, NE 68310