

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18113 FOR WATER APPROPRIATION A-11817B

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11817B is held by Donald E. and Aneta Harding.
2. On June 15, 2015, Donald E. and Aneta Harding filed in the Department map number 18113 showing land proposed to be irrigated under application A-11817B.
3. Appropriation A-11817B provides additional water to land approved for irrigation under appropriation A-65767B.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18113 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-11817B as depicted on map number 18113 which is made a part of this Order.

<u>Township 04 North, Range 25 West of the</u> <u>6th P.M. in Furnas County</u>	<u>Acres</u>	<u>Township 04 North, Range 25 West of the</u> <u>6th P.M. in Furnas County</u>	<u>Acres</u>
Section 07: NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.0	Section 18: NW $\frac{1}{4}$ NW $\frac{1}{4}$	24.6
NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.1	NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.3
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.9	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	18.5	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>0.8</u>
		TOTAL	136.2

3. Appropriation A-11817B has a priority date of October 27, 1969, and authorizes the appropriator the use of water for irrigation of the 136.2 acres of land described above. The water may be diverted from Medicine Creek at points of diversion located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 07, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, all in Township 04 North, Range 25 West of the 6th P.M. in Furnas County, as depicted on map number 18113. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 169 acres irrigated at a maximum combined rate of 0.81 cfs from all points of diversion (364 gallons per minute).

4. Water diverted shall not exceed the ratio of one cfs for every 169 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 0.81 cfs for each permitted acre being irrigated that year. This appropriation of water under any circumstance shall be limited annually to 1.69 acre-feet per acre of land on which water is actually and beneficially applied; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
5. Appropriation A-11817B provides additional water to land approved for irrigation under natural flow appropriation A-6576B.
6. The appropriator is bound by all terms and conditions of the approval of application A-11817 and A-11817B.
7. 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, the location of the place of use, the type of use, or the type of appropriation.

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 in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

Nebraska law provides that waters previously appropriated for power purposes may be taken for irrigation purposes upon due and fair compensation.

DEPARTMENT OF NATURAL RESOURCES

September 8, 2015


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 18113 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order, map number 18113, and Surface Water Administration brochure were mailed on September 8, 2015, to the following:

Donald E. and Aneta Harding
40810 Road 725
Cambridge, Nebraska 69022