STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-5473

TO FILE MAP FOR WATER APPROPRIATION A-19135

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19135 is held by William H. Birkel.

2. Appropriation A-19135 has a priority date of August 29, 2013, and authorizes the appropriator to store 43.5 acre-feet of water in Morrison Reservoir No. 1. The water may be diverted from a tributary to Randall Creek at a point of diversion located in Lot 1 of Section 21, Township 35 North, Range 11 West of the 6th P.M. in Boyd County.

3. Pursuant to *Title 457 Neb. Admin. Code* Chapter 11, a plan of reservoir and specifications according to *Department of Natural Resources Rules of Practice and Procedure, Title* 457 *Neb. Admin. Code* Chapter 11 was to be filed six months after the approval date of appropriation A-19135, on June 16, 2015.

4. On June 11, 2015, William H. Birkel filed petition EOT-5473 in the Department requesting a six-month extension of time in which to file a map of reservoir. This petition was filed in a timely manner prior to the June 16, 2015, deadline.

ORDER

IT IS HEREBY ORDERED:

1. Petition EOT-5473 requesting a six-month extension of time to file plan of reservoir and specifications according to *Department of Natural Resources Rules of Practice and Procedure, Title 457 Neb. Admin. Code* Chapter 11 is hereby GRANTED.

2. The filing deadline to file a map of reservoir under appropriation A-19135 is extended to December 16, 2015.

3. All terms and conditions of appropriation A-19135 remain in effect unless specifically changed by this Order.

DEPARTMENT OF NATURAL RESOURCES

July 28, 2015

James C. Schneider, Ph.D.
Acting 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. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed on July 28, 2015, to the following:

Willliam H. Birkel
3761 L Road
David City, Nebraska 68632