

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 19178 FOR WATER APPROPRIATION A-19305

WATER DIVISION 1-F

BACKGROUND

1. On October 14, 2014, Tyler Binder, on behalf of Todd Binder, Lynn Binder and himself, filed in the Department of Natural Resources (Department) application A-19305 for a Permit to Appropriate Water.
2. On February 23, 2015, Tyler Binder, filed in the Department map number 19178 showing land proposed to be irrigated under application A-19305.

ORDER

IT IS HEREBY ORDERED:

1. Map number 19178 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19305 as depicted on map number 19178 which is made a part of this Order.

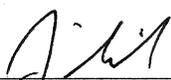
<u>Township 4 North, Range 11 East of the 6<sup>th</sup> P.M. in Johnson County</u>	<u>Acres</u>	<u>Township 3 North, Range 12 East of the 6<sup>th</sup> P.M. in Pawnee County</u>	<u>Acres</u>
Section 36: SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.9	Section 6: NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.2
SE $\frac{1}{4}$ NE $\frac{1}{4}$	11.8	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>3.7</u>
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.2	TOTAL	125.9
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.1		

3. Appropriation A-19305 has a priority date of October 14, 2014, and authorizes the appropriator the use of water for irrigation of the 125.9 acres of land described above. The water may be diverted from the North Fork of the Big Nemaha River at points of diversion located on both banks of the stream in the E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 6, Township 3 North, Range 12 East of the 6<sup>th</sup> P.M. in Pawnee County, as depicted on map number 19178. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.80 cfs from all points of diversion (808 gallons per minute).

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 3 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. The appropriator is bound by all terms and conditions of the approval of application A-19305.

DEPARTMENT OF NATURAL RESOURCES

April 29, 2015

  
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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, 4<sup>th</sup> 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 19178 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 19178, and Surface Water Administration brochure were mailed on April 29, 2015, to the following:

Tyler Binder  
71387 624 Boulevard  
Table Rock, Nebraska 68447

Lynn Binder  
62694 Highway 4  
Table Rock, Nebraska 68447

Todd Binder  
502 9<sup>th</sup> Street  
Table Rock, Nebraska 68447