

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 19196 FOR WATER APPROPRIATION A-18834

WATER DIVISION 2-C

BACKGROUND

1. On November 14, 2011, Daniel J. Hirschfeld, on behalf of Miracle Farms, Inc., filed in the Department of Natural Resources (Department) application A-18834 for a Permit to Appropriate Water.
2. On March 23, 2015, Daniel J. Hirschfeld, on behalf of Miracle Farms, Inc., filed in the Department map number 19196 showing land proposed to be irrigated under application A-18834.

ORDER

IT IS HEREBY ORDERED:

1. Map number 19196 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18834 as depicted on map number 19196 which is made a part of this Order.

<u>Township 33 North, Range 28 West of the</u> <u>6th P.M. in Cherry County</u>	<u>Acres</u>
Section 28: NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	18.2
NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.2
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.4</u>
TOTAL	33.4

3. Appropriation A-18834 has a priority date of November 14, 2011, and authorizes the appropriator the use of water for irrigation of the 33.4 acres of land described above. The water may be diverted from the Niobrara River at points of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 33 North, Range 28 West of the 6th P.M. in Cherry County, as depicted on map number 19196. 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 0.48 cfs from both points of diversion (215 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-18834.

DEPARTMENT OF NATURAL RESOURCES

June 11, 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. Copies of this Order and map number 19196 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 19196, and Surface Water Administration brochure were mailed on June 11, 2015, to the following:

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3606 4th Avenue
Kearney, Nebraska 68845

Dallas Dodson
89542 State Highway 97
Valentine, Nebraska 69201