

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-5689 AND MAP 19563 TO CHANGE THE LOCATION OF
DIVERSION FOR WATER APPROPRIATION A-10439

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10439 is held by Dennis R. Cyboron.
2. Appropriation A-10439 has a priority date of September 9, 1964, and authorizes the use of water for irrigation of 8.3 acres of land. The water may be diverted from Deer Creek at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 13 North, Range 12 West of the 6th P.M. in Howard County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.12 cfs.
3. On June 2, 2016, Dennis R. Cyboron filed petition RLP-5689 in the Department for a permit to change the location of diversion for appropriation A-10439.
4. On June 10, 2016, Dennis R. Cyboron filed map number 19563 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-10439 through petition RLP-5689.
5. On August 5, 2016, Dennis R. Cyboron corrected filed map number 19563.
6. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-5689 for a permit to change the location of diversion for appropriation A-10439 and map number 19563 are APPROVED.
2. Appropriation A-10439 through petition RLP-5689 is now A-10439R.

3. Appropriation A-10439R shall be shown in the Department's records authorizing the use of water to irrigate 8.3 acres of land described below and depicted on map number 19563, which is made a part of this Order. The water may be diverted from Deer Creek at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 08, Township 13 North, Range 12 West of the 6th P.M. in Howard County, as depicted on map number 19563. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.12 cfs (54 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 13 North, Range 12 West of the 6 th P.M. in Howard County		Acres
Section 08:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>2.6</u>
	TOTAL	8.3

4. All terms and conditions of appropriation A-10439 remain in effect unless specifically changed by this Order.
5. 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

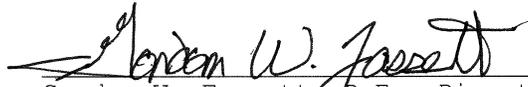
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an 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.

DEPARTMENT OF NATURAL RESOURCES

August 15, 2016


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 19563 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19563 were mailed on August 15, 2016, to the following:

Dennis R. Cyboron
461 Wausa Road
Boelus, Nebraska 68820