

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
APPROVAL OF APPLICATION A-18688  
WATER DIVISION 2-A

Background

1. On February 8, 2010, Denis Kusek filed application A-18688 in the Department of Natural Resources (Department) for a Permit to Appropriate Water and map number 17611 showing land proposed to be irrigated under this application.
2. Construction has been completed.

Order

IT IS HEREBY ORDERED that application A-18688 is APPROVED subject to the following limitations and conditions:

1. The source of water is PIWO Reservoir, constructed under storage appropriation A-18256.
2. The water shall be used for the purpose of irrigation.
3. The priority date is February 8, 2010.
4. Only the land shown on map number 17611 may be irrigated under appropriation A-18688 in each year **prior to** the conveyance of Loup Basin Reclamation District (District) water under conduct water permit CWS-1612 (C-79). Once District water has been conveyed to PIWO Reservoir, no further irrigation may occur under A-18688 until the following year.
5. This appropriation will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 7.82 acre-feet per annum.
6. 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. Getting 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.

Deadlines

1. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. September 1, 2013, is the date by which the water appropriated under A-18688 must have been used.
2. After September 1, 2013, a field investigation will be conducted to determine the amount of water used and acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriation A-18688.

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 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.

DEPARTMENT OF NATURAL RESOURCES

March 3, 2011

  
Brian P. Dunnigan, 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* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (4<sup>th</sup> Floor Nebraska State Office Building, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website and provided to the Department's field office in Ord, Nebraska. A copy of this approval was mailed on March 3, 2011, to the following:

Denis Kusek  
78380 Rockville Avenue  
Ashton, Nebraska 68817