

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18350 FOR WATER APPROPRIATION A-18984

WATER DIVISION 2-F

BACKGROUND

1. On November 8, 2012, Gerald and Jerry Fischer, on behalf of Midwest Tree Moving, filed in the Department of Natural Resources (Department) application A-18984 for a Permit to Appropriate Water.
2. On May 8, 2013, Gerald Fischer filed map number 18350 showing land proposed to be irrigated under application A-18984.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18350 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18984 as depicted on map number 18350 which is made a part of this Order.

Township 33 North, Range 1 West of the		
<u>6th P.M. in Cedar County</u>		<u>Acres</u>
Section 9:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>15.4</u>
	TOTAL	18.9

3. Appropriation A-18984 has a priority date of November 8, 2012, and authorizes the appropriator the use of water for irrigation of the 18.9 acres of land described above. The water may be diverted from the Missouri River 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 9, Township 33 North, Range 1 West of the 6th P.M. in Cedar 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 0.27 cfs (121 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.

5. The appropriator is bound by all terms and conditions of the approval of application A-18984.

DEPARTMENT OF NATURAL RESOURCES

July 23, 2013


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 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 18350 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order, map number 18350, and Surface Water Administration brochure were mailed on July 23, 2013, to the following:

Midwest Tree Moving
c/o Gerald and Jerry Fischer
503 North Robinson
Hartington, Nebraska 68739