

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-2329 AND MAP 18194 TO CHANGE THE LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-15868R

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15868R is held by Evelyn A. Pierce.
2. Appropriation A-15868R has a priority date of May 12, 1981, and authorizes the use of water for irrigation of 15.5 acres of land. The water may be diverted from the Middle Branch of Verdigre Creek at a point of diversion located on the north bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 30, Township 30 North, Range 7 West of the 6<sup>th</sup> P.M. in Knox 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 0.22 cfs (99 gallons per minute).
3. On April 25, 2012, Evelyn A. Pierce filed petition RLP-2329 in the Department for a permit to change the location of diversion for appropriation A-15868R.
4. On June 26, 2012, Evelyn A. Pierce filed map number 18194 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-15868R through petition RLP-2329.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-2329 for a permit to change the location of diversion for appropriation A-15868R and map number 18194 are APPROVED.

2. Appropriation A-15868R shall be shown in the Department's records authorizing the use of water to irrigate 15.5 acres of land described below and depicted on map number 18194, which is made a part of this Order. The water may be diverted from the Middle Branch of Verdigre Creek at a point of diversion located on the right bank of the stream in the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 25, Township 30 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox 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 0.22 cfs (99 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 30 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County</u>	<u>Acres</u>
Section 25: NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	12.5
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>3.0</u>
TOTAL	15.5

3. All terms and conditions of appropriation A-15868 remain in effect unless specifically changed by this Order.
4. 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

July 3, 2012

  
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, 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 18194 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18194 were mailed on July 3, 2012, to the following:

Evelyn A. Pierce  
51552 878 Road  
Verdigre, Nebraska 68783

Philip Pierce  
87746 516 Avenue  
Verdigre, Nebraska 68783