

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18715

WATER DIVISION 2-B

BACKGROUND

1. On August 20, 2010, Glenn Johnson, Manager, Lower Platte South Natural Resources District, on behalf of landowner Don Magee, filed in the Department of Natural Resources (Department) application A-18715 for a Permit to Appropriate Water.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-18715 is APPROVED subject to the following limitations and conditions:

1. The source of water is Magee Reservoir, constructed under storage appropriation A-17389.
2. The water shall be used for the purpose of irrigation.
3. The priority date is August 20, 2010.
4. 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 0.1 acre-foot per annum.
5. A measuring device approved by the Department is required.
6. Annual reports are due before December 31st of each year reporting the number of acres irrigated and the amount of water used under A-18715 during the previous irrigation season, to be filed in the office of the Department, P.O. Box 94676, Lincoln, Nebraska 68509-4676.
7. The appropriator must comply with all relevant statutes. The statutes include, but are 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. A map must be filed in the office of the Department by six months past the signing date of this application approval.
2. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-18715 must be beneficially used by September 1, 2013.
3. 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-18715.

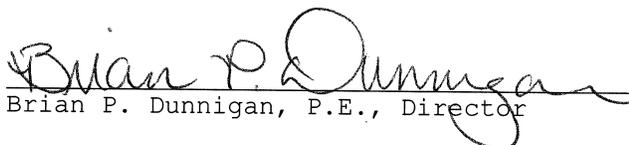
ADDITIONAL INFORMATION

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

December 14, 2010


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 (P.O. Box 94676, 301 Centennial Mall South, 4th Floor State Office Building, 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 approval was posted on the Department's website and provided to the Department's field office in Lincoln, Nebraska. A copy of this approval was mailed on December 14, 2010, to the following:

Lower Platte South Natural Resources District
P.O. Box 83581
Lincoln, Nebraska 68501-3581

Don Magee
11745 Yankee Hill Road
Lincoln, Nebraska 68526