

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPROVAL OF APPLICATION A-18789

WATER DIVISION 2-A

BACKGROUND

On June 3, 2011, Michael A. Sughroue, on behalf of Industrial Pipelines S. C. Inc., filed in the Department of Natural Resources (Department) application A-18789 for a Permit to Appropriate Water.

ORDER

IT IS HEREBY ORDERED that application A-18789 is APPROVED subject to the following limitations and conditions:

1. The source of water is the Middle Loup River.
2. The water shall be used for the purpose of road construction.
3. The priority date is June 3, 2011.
4. The point of diversion is located at the headgate of Sargent Canal in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 21 North, Range 21 West of the 6th P.M. in Blaine County. The location of withdrawal from Sargent Canal is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 20 North, Range 18 West of the 6th P.M. in Custer County.
5. The rate that water may be diverted under appropriation A-18789 shall not exceed 0.78 cubic foot per second (350 gallons per minute). The amount of water diverted shall not exceed 8 acre-feet.
6. This appropriation EXPIRES one year from the date of this Order and appropriation A-18789 will be CANCELLED without further action by the Department as of that date.
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. 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.

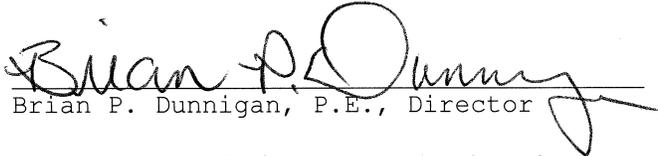
ADDITIONAL INFORMATION

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 result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

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

June 27, 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 (4th 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 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 Ord, Nebraska. A copy of this approval was mailed on June 28, 2011, to the following:

Industrial Pipelines S.C. Inc.
P.O. Box 375
Holdrege, Nebraska 68949

Sargent Irrigation District
P.O. Box 99
Sargent, Nebraska 68874