STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-1964 TO EXTEND LATERAL FROM THE BEERLINE CANAL

FOR APPROPRIATIONS HELD BY THE BEERLINE CANAL COMPANY

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriations D-887 and the portion of A-768 that provides supplemental water to D-887 are held by the Beerline Canal Company.

2. Appropriation D-887 has a priority date of October 13, 1894, and authorizes the use of water for irrigation of 993.0 acres of land. The water may be diverted from the North Platte River into the Beerline Canal at a point of diversion located in Section 24, Township 19 North, Range 49 West of the 6th P.M. in Morrill County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 14.19 cfs.

3. Appropriation A-768 has a priority date of September 19, 1904, and authorizes the use of water for irrigation of 99.0 acres, and supplemental irrigation of the 993.0 acres under D-887. The source of water is Pathfinder Reservoir, that is released into the North Platte River and diverted into the Beerline Canal at a point of diversion located in Section 24, Township 19 North, Range 49 West of the 6th P.M. in Morrill County.

4. Pursuant to *Neb. Rev. Stat.* § 46-250 Ivan Dobrinski, President of Beerline Canal Company, filed petition RLP-1964 in the Department for a permit to change the line of the lateral by extension, for appropriations D-887 and A-768.

5. Ivan Dobrinski, President of Beerline Canal Company, filed map number 17748 in the Department showing the location of the lateral extension. The land to be irrigated under appropriations D-887 and A-768 remain as mapped on map number 16554, approved by the Department on December 29, 2004.

6. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-1964, for a permit to change the line of the lateral by extension, for appropriations D-887 and A-768 and map number 17748 are APPROVED.

2. There is no change to the location or the number of acres approved for irrigation under that portion of D-887 and A-768 receiving water from the line of the lateral modified by RLP-1964.

3. All terms and conditions of appropriations D-887 and A-768 remain in effect.

4. Land entitled to irrigation under water appropriations from the Platte River and Pathfinder Reservoir, via the Beerline Canal, are described on the Department's Order approving map number 16554 dated December 29, 2004.

5. 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.

DEPARTMENT OF NATURAL RESOURCES

January 12, 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 (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 Order was posted on the Department's website. Copies of this Order and map number 17748 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 17748 were mailed on January 12, 2011, to the following:

Ivan Dobrinski, President
Beerline Canal Company
9718 Road 100
Bridgeport, Nebraska 69336-9602