

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-2010 TO ADD A LOCATION OF

DIVERSION FOR WATER APPROPRIATION A-15659A

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15659A is held by Anne Stuart Kinnison.
2. Appropriation A-15659A has a priority date of June 19, 1980, and authorizes the use of water for irrigation of 87.0 acres of land. The water may be diverted from Strever (Spring) Creek at points of diversion located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 4, Township 9 North, Range 21 West of the 6th P.M. in Dawson 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 combined rate of 1.24 cfs (557 gallons per minute) from all points of diversion.
3. On December 1, 2010, Bruce E. Stuart, on behalf of Anne Stuart Kinnison, filed petition RLP-2010 in the Department for a permit to add another location of diversion for appropriation A-15659A. The petitioner proposes to add a point of diversion on a tributary to Strever Creek (Spring Creek) the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 9 North, Range 21 West of the 6th P.M. in Dawson County.
4. *Nebraska Revised Statutes* § 46-250 allows the owner of any ditch, storage reservoir, storage capacity, or other device for appropriating water, to petition the Department to change the point at which the water under any appropriation of record is diverted from a natural stream or reservoir.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-2010 for a permit for an additional location of diversion for appropriation A-15659A is GRANTED.
2. Appropriation A-15659A through petition RLP-2010 is now A-15659AR.

3. The total amount of water diverted at one time from all points of diversion shall not exceed 1.24 cfs (557 gallons per minute), and further, the appropriator is limited in the amount of water that may be diverted from a tributary to Strever (Spring) Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 9 North, Range 21 West of the 6th P.M. in Dawson County, to the same amount or less than the proportional amount of water available at that time, at the points of diversion located on Strever Creek in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 4, Township 9 North, Range 21 West of the 6th P.M. in Dawson County. No increase in historic consumptive use of water is allowed by this approval.
4. All terms and conditions of appropriation A-15659, and A-15659A remain in effect unless specifically changed by this Order.
5. A map must be filed in the office of the Department by six months past the signing date of this application approval, prepared according to *Department of Natural Resources Rules of Surface Water, Title 457 Neb. Admin. Code. Chapter 10.*
6. 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.

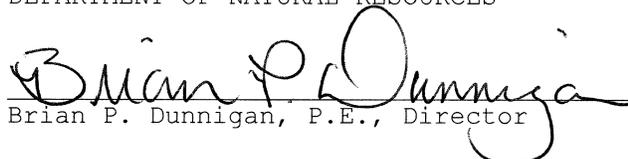
ADDITIONAL INFORMATION

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

June 16, 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 Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed on June 16, 2011, to the following:

Bruce E. Stuart
43540 Road 756
Lexington, Nebraska 68850

Anne Stuart Kinnison
3254 50th Avenue
Columbus, Nebraska 68601