

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 19070 FOR WATER APPROPRIATION A-18516

WATER DIVISION 2-C

BACKGROUND

1. On May 29, 2007, Edgar J. and Ellen D. Tunender filed in the Department of Natural Resources (Department) application A-18516 for a Permit to Appropriate Water.
2. On December 15, 2014, Edgar J. Tunender filed in the Department map number 19070 showing land proposed to be irrigated under application A-18516.

ORDER

IT IS HEREBY ORDERED:

1. Map number 19070 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18516 as depicted on map number 19070 which is made a part of this Order.

<u>Township 32 North, Range 16 West of the</u>		
<u>6th P.M. in Holt County</u>		<u>Acres</u>
Section 11:	SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.9
Section 13:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.2
Section 14:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>27.9</u>
TOTAL		58.0

3. Appropriation A-18516 has a priority date of May 29, 2007, and authorizes the appropriator the use of water for irrigation of the 58.0 acres of land described above. The water may be diverted from a tributary to Beaver Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 32 North, Range 16 West of the 6th P.M. in Holt County, as depicted on map number 19070. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.83 cfs (373 gallons per minute).
4. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated nor the least amount of water necessary for the production of crops in the exercise of good husbandry. Therefore, in any year when less than the maximum permitted acres are being irrigated, the quantity of water diverted at any time may be restricted to 1/70 cfs for each

permitted acre being irrigated that year. This appropriation of water under any circumstance shall be limited annually to 3 acre-feet per acre of land on which water is actually and beneficially applied; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

5. The appropriator is bound by all terms and conditions of the approval of application A-18516.

DEPARTMENT OF NATURAL RESOURCES

December 31, 2014


James C. Schneider, Ph.D.
Acting 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, 4th 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 19070 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 19070, and Surface Water Administration brochure were mailed on December 31, 2014, to the following:

Edgar J. and Ellen D. Tunender
48538 879th Road
Atkinson, Nebraska 68713