

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19200

WATER DIVISION 2-A

BACKGROUND

On February 26, 2014, Sam Sughroue, on behalf of Industrial Pipelines South Central, Inc., filed in the Department of Natural Resources (Department) application A-19200 for a temporary permit to appropriate water.

ORDER

IT IS HEREBY ORDERED that application A-19200 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 February 26, 2014.
4. The appropriator has obtained permission from the Middle Loup Public Power and Irrigation District for access to Canal No. 1 from which water will be withdrawn at a pump-site located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 15, Township 19 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County. The headgate of Canal No. 1 is across the Middle Loup River in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, Township 19 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County.
5. The rate that water may be diverted under appropriation A-19200 shall not exceed 0.67 cubic foot per second (300 gallons per minute) and a maximum volume of 18.4 acre-feet (6,000,000 gallons).
6. This appropriation EXPIRES one year from the date of this Order and appropriation A-19200 shall be CANCELLED without further action by the Department as of that date.
7. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
  - A. Receiving approval prior to taking any action that changes the location of the point of diversion, a transfer of the location of the place of use, a relinquishment of a portion of the appropriation, the type of use, or the type of appropriation.
  - B. Comply with all relevant notices and orders of the Department.

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. If in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

January 28, 2015

  
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, 4<sup>th</sup> 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 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 January 28 2015, to the following:

Sam Sughroue  
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