

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-5601

TO FILE MAP FOR WATER APPROPRIATION A-19138

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19138 is held by Mary Ann and William H. Birkel.
2. Appropriation A-19138 has a priority date of August 30, 2013, and authorizes the appropriator to store 12 acre-feet of water in Stewart Reservoir No. 1. The water may be diverted from a tributary to Eagle Creek at a point of diversion located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 32 North, Range 12 West of the 6th P.M. in Holt County.
3. Pursuant to *Title 457 Neb. Admin. Code Chapter 11*, a plan of reservoir was to be filed six months after the approval date of appropriation A-19138, on April 29, 2016.
4. On March 21, 2016, William H. Birkel filed petition EOT-5601 in the Department requesting a six-month extension of time in which to file a plan of reservoir. This petition was filed in a timely manner prior to the April 29, 2016, deadline.

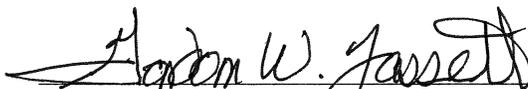
ORDER

IT IS HEREBY ORDERED:

1. Petition EOT-5601 requesting a six-month extension of time is hereby GRANTED.
2. The filing deadline to file a map of reservoir under appropriation A-19138 is extended to October 29, 2016.
3. All terms and conditions of appropriation A-19136 remain in effect unless specifically changed by this Order.

DEPARTMENT OF NATURAL RESOURCES

April 18, 2016


Gordon W. Fassett, P.E., Director

A-19138 EOT-5601 Birkel

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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. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed on April 18, 2016, to the following:

Mary Ann and William H. Birkel
3761 L Road
David City, Nebraska 68632