

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-5300 AND MAP 19184 TO CHANGE THE LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-19011

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19011 is held by West Rio Land and Cattle Company.
2. Appropriation A-19011 has a priority date of January 23, 2013, and authorizes the use of water for irrigation of 460.3 acres of land. The water may be diverted from Myron Nilson Reservoir (storage appropriation A-15640) at a point of diversion located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, Township 35 North, Range 19 West of the 6<sup>th</sup> P.M. in Keya Paha County. Water diverted shall not exceed 191.87 acre-feet annually.
3. On February 6, 2014, Barry Harthoorn, on behalf of West Rio Land and Cattle Company, filed petition RLP-5300 in the Department for a permit to change the location of diversion for appropriation A-19011.
4. On March 6, 2015, Barry Harthoorn, on behalf of West Rio Land and Cattle Company, filed map number 19184 in the Department showing the location of the proposed pump sites and the land to be irrigated under appropriation A-19011 through petition RLP-5300.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-5300 for a permit to change the location of diversion for appropriation A-19011 and map number 19184 are APPROVED.
2. Appropriation A-19011 through petition RLP-5300 is now A-19011R.

3. Appropriation A-19011R shall be shown in the Department's records authorizing the use of water to irrigate 460.3 acres of land described below and depicted on map number 19184, which is made a part of this Order. The water may be diverted from Myron Nilson Reservoir (storage appropriation A-15640) at points of diversion located on the east bank of the reservoir in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29, Township 35 North, Range 19 West of the 6<sup>th</sup> P.M. in Keya Paha County, as depicted on map number 19184. Water diverted shall not exceed 191.87 acre-feet annually from all points of diversion.

Township 35 North, Range 19 West of the 6 <sup>th</sup> P.M. in Keya Paha County	Acres	Township 35 North, Range 19 West of the 6 <sup>th</sup> P.M. in Keya Paha County	Acres
Section 28: SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.5	Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.2
Section 29: SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.1	NE $\frac{1}{4}$ NW $\frac{1}{4}$	24.7
NW $\frac{1}{4}$ NE $\frac{1}{4}$	3.1	SW $\frac{1}{4}$ NW $\frac{1}{4}$	36.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.5	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	17.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.3
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.3	SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.7
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.7	SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.6
NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.9	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	32.1
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.0
		Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.6
		TOTAL	460.3

4. All terms and conditions of appropriation A-19011 remain in effect unless specifically changed by this Order.

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

April 29, 2015

  
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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 Order was posted on the Department's website. Copies of this Order and map number 19184 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19184 were mailed on April 29, 2015, to the following:

West Rio Land and Cattle  
Barry Harthorn  
88809 429<sup>th</sup> Avenue  
Ainsworth, Nebraska 69210