

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 19011 FOR WATER APPROPRIATION A-19259

WATER DIVISION 1-D

BACKGROUND

1. On May 28, 2014, Alfred Daubendiek, Jr., filed in the Department of Natural Resources (Department) application A-19259 for a Permit to Appropriate Water
2. On August 5, 2014, Alfred Daubendiek, Jr., filed map number 19011 showing land proposed to be irrigated under application A-19259.

ORDER

IT IS HEREBY ORDERED:

1. Map number 19011 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19259 as depicted on map number 19011 which is made a part of this Order.

Township 3 North, Range 7 East of the  
6<sup>th</sup> P.M. in Gage County Acres

Section 34: NW $\frac{1}{4}$ SW $\frac{1}{4}$  29.3  
NE $\frac{1}{4}$ SW $\frac{1}{4}$  5.6

TOTAL 34.9

3. Appropriation A-19259 has a priority date of May 28, 2014, and authorizes the appropriator the use of water for irrigation of the 34.9 acres of land described above. The water may be diverted from a tributary to Mud Creek at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, Township 3 North, Range 7 East of the 6<sup>th</sup> P.M. in Gage County, as depicted on map number 19011. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.5 cfs (224 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. Appropriation A-19259 is provided supplemental irrigation water from storage use appropriation A-19263.
6. The appropriator is bound by all terms and conditions of the approval of application A-19259.

#### ADDITIONAL INFORMATION

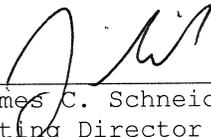
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

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

April 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 Order was posted on the Department's website. Copies of this Order and map number 19011 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 19011, and Surface Water Administration brochure were mailed on April 28, 2015, to the following:

Alfred Daubendiek, Jr.  
1805 East Linden Drive  
Beatrice NE, 68310