

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19363

WATER DIVISION 2-F

BACKGROUND

1. On May 12, 2015, Dennis Brodersen, on behalf of North Star Farms, Inc., and Beverly Brodersen, Trustee, filed in the Department of Natural Resources (Department) application A-19363 for a Permit to Appropriate Water.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19363 is APPROVED subject to the following limitations and conditions:

1. A map prepared according to *Title 457 Neb. Admin. Code Chapter 10* must be filed in the office of the Department by six months past the signing date of this application approval or appropriation A-19363 will be CANCELLED.
2. Appropriation A-19363 has a priority date of May 12, 2015, and authorizes the appropriator the use of no more than 0.43 cubic foot per second (cfs) (193 gallons per minute) of water for irrigation of land not to exceed 30 acres located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 34 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 35, all in Township 30 North, Range 01 East of the 6<sup>th</sup> P.M. in Cedar County, the number stated on the application, and may be further limited by the Department upon approval of the required map. The source of the water to be diverted is Pearl Creek located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 34, Township 30 North, Range 01 East of the 6<sup>th</sup> P.M. in Cedar County.
3. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated. 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.
4. The appropriator must comply with all relevant statutes. The statutes include, but are 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.
5. The appropriator must comply with the following deadlines:
- A. A map prepared according to *Title 457 Neb. Admin. Code Chapter 10* must be filed in the office of the Department by six months past the signing date of this application approval. No rights shall be deemed to have been acquired until the provisions of this paragraph have been complied with, and a failure to do so shall cause a forfeiture of the appropriation and all rights thereof.
  - B. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19363 must be beneficially used by September 1, 2018.
  - C. After September 1, 2018, a field investigation will be conducted to determine the acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriation A-19363.

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.

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

September 8, 2015

  
Gordon W. Fassett, P.E., 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 Norfolk, Nebraska. A copy of this approval was mailed on September 8, 2015, to the following:

Dennis Brodersen  
North Star Farms, Inc.  
87906 569<sup>th</sup> Avenue  
Coleridge, Nebraska 68727

Beverly Brodersen, Trustee  
87918 569<sup>th</sup> Avenue  
Coleridge, Nebraska 68727