

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18790 AND MAP NUMBER 17883

WATER DIVISION 2-A

BACKGROUND

1. On June 7, 2011, Jason D. Jonak and Kelly M. Jensen filed in the Department of Natural Resources (Department) application A-18790 for a Permit to Appropriate Water.
2. On June 14, 2011, Jason D. Jonak and Kelly M. Jensen filed in the Department map number 17883 showing land proposed to be irrigated under application A-18790.

ORDER

IT IS HEREBY ORDERED that application A-18790 and map number 17883 are APPROVED subject to the following limitations and conditions:

1. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18790 as depicted on map number 17883 which is made a part of this Order.

Township 18 North, Range 13 West of the
6th P.M. in Valley County Acres

Section 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.4

2. Appropriation A-18790 has a priority date of June 7, 2011, and authorizes the appropriator the use of water for domestic purposes of the 1.4 acres of land described above. The water may be diverted from Mira Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 18 North, Range 13 West of the 6th P.M. in Valley County, as depicted on map number 17883. Water diverted shall not exceed the rate of 0.07 cfs (approximately 30 gallons per minute).
3. 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.
4. The appropriator must comply with the following deadlines:
- A. Construction of the diversion works must begin within twelve months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
 - B. Construction of the project must be completed by two years past the signing date of this application approval.
 - C. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-18790 must be beneficially used by September 1, 2018.
 - D. 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-18790.

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

April 26, 2016


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, 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. Copies of this Order and map number 17883 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 17883 and Surface Water Administration brochure were mailed on April 26, 2016, to the following:

Jason D. Jonak
614 North Maple
North Loup, Nebraska 68859

Kelly M. Jensen
614 North Maple
North Loup, Nebraska 68859