

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-4708 AND MAP 18554 TO CHANGE THE LOCATION OF
DIVERSION FOR WATER APPROPRIATION A-13006A

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13006A is held by Arlen Lierman.
2. Appropriation A-13006A has a priority date of March 27, 1974, and authorizes the use of water for irrigation of 45.3 acres of land. The water may be diverted from the Elkhorn River at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 02, Township 22 North, Range 05 East of the 6th P.M. in Cuming County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.65 cfs.
3. On May 28, 2013, Arlen L. Lierman filed petition RLP-4708 in the Department for a permit to add a location of diversion for appropriation A-13006A.
4. On March 23, 2016, Arlen L. Lierman filed map number 18554 in the Department showing the location of the additional proposed pump site and the land to be irrigated under appropriation A-13006A through petition RLP-4708.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-4708 for a permit to add a location of diversion for appropriation A-13006A and map number 18554 are APPROVED.
2. Appropriation A-13006A through petition RLP-4708 is now A-13006AR.

3. Appropriation A-13006AR shall be shown in the Department's records authorizing the use of water to irrigate 45.3 acres of land described below and depicted on map number 18554, which is made a part of this Order. The water may be diverted from the Elkhorn River at points of diversion located on both banks of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 02, Township 22 North, Range 05 East of the 6th P.M. in Cuming County, as depicted on map number 18554. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.65 cfs (292 gallons per minute) from both points of diversion. The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 22 North, Range 05 East of the</u>		
<u>6th P.M. in Cuming County</u>		<u>Acres</u>
Section 02:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.6
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.8
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.4
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>2.3</u>
	TOTAL	45.3

4. All terms and conditions of appropriation A-13006 and A-13006A 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

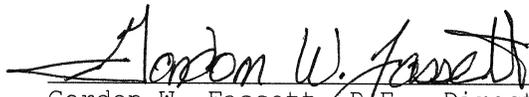
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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.

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.

DEPARTMENT OF NATURAL RESOURCES

April 5, 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 18554 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 18554 were mailed on April 5, 2016, to the following:

Arlen Lierman
P.O. Box 242
Beemer, Nebraska 68716