

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-5545 AND MAP 19422 TO CHANGE THE LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-16103

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16103 is held by Nancy Jo Bartos Miller subject to a life estate to Leanore E. Bartos.
2. Appropriation A-16103 has a priority date of May 7, 1982, and authorizes the use of water for irrigation of 14 acres of land. The water may be diverted from Blackbird Creek at a point of diversion located on the east bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29, Township 31 North, Range 11 West of the 6<sup>th</sup> P.M. in Holt 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 0.20 cfs.
3. On December 29, 2015, Nancy Jo Bartos Miller and Leanore E. Bartos filed petition RLP-5545 in the Department for a permit to change the location of diversion for appropriation A-16103.
4. On January 20, 2016, Nancy Jo Bartos Miller, Leanore E. Bartos, and Neva J. Doerr filed map number 19422 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-16103 through petition RLP-5545.
5. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-5545 for a permit to change the location of diversion for appropriation A-16103 and map number 19422 are APPROVED.
2. Appropriation A-16103 through petition RLP-5545 is now A-16103R.

3. Appropriation A-16103R shall be shown in the Department's records authorizing the use of water to irrigate 14 acres of land described below and depicted on map number 19422, which is made a part of this Order. The water may be diverted from Blackbird Creek at a point of diversion located on the left bank of the stream in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 20, Township 31 North, Range 11 West of the 6<sup>th</sup> P.M. in Holt County, as depicted on map number 19422. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.20 cfs (90 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 31 North, Range 11 West of the  
6<sup>th</sup> P.M. in Holt County Acres

Section 20: SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> 14

4. All terms and conditions of appropriation A-16103 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

February 18, 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, 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 19422 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19422 were mailed on February 18, 2016, to the following:

Nancy Jo Bartos Miller  
39685 Angus Lane  
Valentine, Nebraska 69201

Leanore E. Bartos  
c/o Neva J. Doerr  
51064 887<sup>th</sup> Road  
Verdigre, Nebraska 68783