STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-5980

TO FILE MAP FOR WATER APPROPRIATION A-19138

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19138 is held by Mary Ann and William H. Birkel.

2. Appropriation A-19138 has a priority date of August 30, 2013, and authorizes the appropriator to store 12 acre-feet of water in Stewart Reservoir No. 1. The water may be diverted from a tributary to Eagle Creek at a point of diversion located in the SE¼NE¼ of Section 32, Township 32 North, Range 12 West of the 6th P.M. in Holt County.

3. Pursuant to *Title 457 Neb. Admin. Code* Chapter 11, a plan of reservoir was to be filed six months after the approval date of appropriation A-19138, on April 29, 2016.

4. On March 21, 2016, William H. Birkel filed petition EOT-5601 in the Department requesting a six-month extension of time in which to file a map of reservoir. This petition was filed in a timely manner prior to the April 29, 2016, deadline.

5. On April 18, 2016, the Department granted EOT-5601 extending the deadline to file a map of reservoir for appropriation A-19138 to October 29, 2016.

6. On October 5, 2016, William H. Birkel filed petition EOT-5980 in the Department requesting a six-month extension of time in which to file a map of reservoir. This petition was filed in a timely manner prior to the October 29, 2016, deadline.

7. Therefore, petition EOT-5980 should be granted.

ORDER

IT IS HEREBY ORDERED:

1. Petition EOT-5980 requesting a six-month extension of time is hereby GRANTED.

2. The filing deadline to file a map of reservoir under appropriation A-19138 is extended to April 29, 2017.

3. All terms and conditions of appropriation A-19138 remain in effect unless specifically changed by this Order.

DEPARTMENT OF NATURAL RESOURCES

October 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, 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. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed on October 18, 2016, to the following:

Mary Ann and William H. Birkel
3761 L Road
David City, Nebraska 68632