STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19414 AND MAP NUMBER 19430

WATER DIVISION 1-F

BACKGROUND

On January 22, 2016, Craig and Lori Behrends and Blayne and Bonnie Behrends filed in the Department of Natural Resources (Department) application A-19414 for a Permit to Appropriate Water and map number 19430 showing land proposed to be irrigated under application A-19414.

ORDER

IT IS HEREBY ORDERED that application A-19414 and map number 19430 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-19414 as depicted on map number 19430 which is made a part of this Order.

Township 04 North, Range 13 East of the 6th P.M. in Nemaha County		Acres
Section 11:	NW¼NE¼	17.8
	NE¼NE¼	15.7
	TOTAL	33.5

2. Appropriation A-19414 has a priority date of January 22, 2016, and authorizes the appropriator the use of 35 acre-feet annually from Blayne Behrends Reservoir (storage appropriation A-18670) from a pump site located in the NE¼SE¼ of Section 10, Township 04 North, Range 13 East of the 6th P.M. in Nemaha County, as depicted on map number 19430.

3. Only the land shown on map number 19430 may be irrigated under appropriation A-19414.

4. This appropriation will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 35 acre-feet per annum.

5. A measuring device, approved by the Department, may be required if so ordered by the Department.

6. 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.

7. 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-19414 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-19414.

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

March 16, 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 19430 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 19430 and Surface Water Administration brochure were mailed on March 16, 2016, to the following:

Craig and Lori Behrends
72442 634th Avenue
Auburn, Nebraska 68305

Blayne and Bonnie Behrends
72439 634th Avenue
Auburn, Nebraska 68305