

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19191 AND MAP NUMBER 19461

WATER DIVISION 1-D

BACKGROUND

1. On February 12, 2014, the Lower Big Blue Natural Resources District (LBBNRD), on behalf of landowner Douglas Parde, filed in the Department of Natural Resources (Department) application A-19191 for a Permit to Appropriate Water.
2. The LBBNRD and Douglas Parde filed an Irrigation Agreement with application A-19191 authorizing the withdrawal of water from the Bear-Pierce-Cedar 7J Reservoir (storage permit A-11828).
3. On April 28, 2014, Douglas Parde filed in the Department Interbasin Transfer of Water Addendum to Application A-19191 for a Permit to Appropriate Water.
4. On March 21, 2016, Douglas Parde filed in the Department map number 19461 showing land proposed to be irrigated under application A-19191.
5. On December 19, 2016, Douglas Parde and the LBBNRD filed an addendum to the Interbasin Transfer of Water Addendum stating the following:
  - A. Bear-Pierce-Cedar 7J Reservoir is on an intermittent stream and is rainfall driven.
  - B. Bear-Pierce-Cedar 7J Reservoir is one of thirty-one flood control structures in the Bear-Pierce-Cedar Watershed. The water in Bear-Pierce-Cedar 7J Reservoir is used, and has always been used, for the purpose of irrigation.
  - C. The project represents a de minimus amount of water leaving the Blue River Basin.
  - D. The stream is rainfall driven and the water is stored in the sediment basin of Bear-Pierce-Cedar 7J Reservoir. The use of the stored water increases the flood protection provided by the structure.
6. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19191 and map number 19461 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-19191 as depicted on map number 19461 which is made a part of this Order.

Township 05 North, Range 08 East of the		
6 <sup>th</sup> P.M. in Gage County		Acres
Section 16:	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	33.7
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	39.3
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	26.8
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	32.2
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	38.8
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	11.8
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	37.9
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>11.4</u>
	TOTAL	231.9

2. Appropriation A-19191 has a priority date of February 12, 2014, and authorizes the appropriator the use of 85.8 acre-feet of water annually from Bear-Pierce-Cedar 7J Reservoir (storage permit A-11828) from a pump site located in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 21, Township 05 North, Range 08 East of the 6<sup>th</sup> P.M. in Gage County, as depicted on map number 19461, with the permission from the appropriator of A-11828, LBBNRD, to divert water for irrigation from this reservoir.
3. Only the land shown on map number 19461 may be irrigated under appropriation A-19191.
4. A measuring device, approved by the Department, is required.
5. 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.

6. The appropriator must comply with the following deadlines:
- A. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19191 must be beneficially used by September 1, 2019.
  - B. After September 1, 2019, 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-19191.

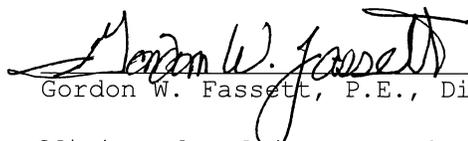
ADDITIONAL INFORMATION

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.

DEPARTMENT OF NATURAL RESOURCES

January 9, 2017

  
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 19461 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19461 were mailed on January 9, 2017, to the following:

Lower Big Blue Natural Resources District  
805 Dorsey Street  
Beatrice, Nebraska 68310

Douglas Parde  
13522 East Chestnut  
Adams, Nebraska 68301