

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-4851 AND MAP 18720 TO CHANGE THE LOCATION OF
DIVERSION FOR WATER APPROPRIATION A-13182

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13182 is held in separate parcels by Binder Farms, Inc., and Binder Irrigation, Inc., and is operated as one unit.
2. Appropriation A-13182 has a priority date of August 30, 1974, and authorizes the use of water for irrigation of 410.0 acres of land. The water may be diverted from the North Fork of the Big Nemaha River at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 4 North, Range 12 East of the 6th P.M. in Johnson 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 5.86 cfs (2,630 gallons per minute).
3. Tyler Binder, on behalf of Binder Farms, Inc., and Binder Irrigation, Inc., filed petition RLP-4851 in the Department for a permit to change the location of diversion for appropriation A-13182.
4. Tyler Binder, on behalf of Binder Farms, Inc., and Binder Irrigation, Inc., filed map number 18720 in the Department showing the location of the proposed pump sites and the land to be irrigated under appropriation A-13182 through petition RLP-4851.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-4851 for a permit to change the location of diversion for appropriation A-13182 and map number 18720 are APPROVED.
2. Appropriation A-13182 through petition RLP-4851 is now A-13182R.

3. Appropriation A-13182R shall be shown in the Department's records authorizing the use of water to irrigate 410.0 acres of land described below and depicted on map number 18720, which is made a part of this Order. The water may be diverted from the North Fork of the Big Nemaha River at points of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 4 North, Range 11 East of the 6th P.M. in Johnson County, and on both banks of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 3 North, Range 12 East of the 6th P.M. in Pawnee 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 5.86 cfs (2,630 gallons per minute).

The portion of A-13182R appurtenant to land held by Binder Irrigation, Inc.

Township 4 North, Range 11 East of the 6th P.M. in Johnson County Acres

Section 25:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	28.6

The portion of A-13182 appurtenant to land held by Binder Farms, Inc.

Township 4 North, Range 11 East of the 6th P.M. in Johnson County Acres

Section 36:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	38.0

Township 4 North, Range 12 East of the 6th P.M. in Johnson County Acres

Section 31:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	7.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.0

The portion of A-13182R appurtenant to land held by Binder Farms, Inc.

Township 3 North, Range 12 East of the 6th P.M. in Pawnee County Acres

Section 6:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.4
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.4
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.4
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	42.2
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	24.7
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.5
	TOTAL	410.0

4. All terms and conditions of appropriation A-13182 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

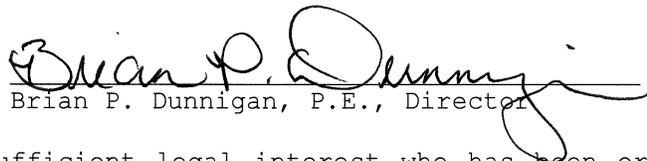
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

January 29, 2014


Brian P. Dunnigan, 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 18720 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18720 were mailed on January 29, 2014, to the following:

Binder Farms, Inc.
c/o Steven C. Binder
71098 660th Avenue
Rulo, Nebraska 68731

Tyler Binder
71387 624 Boulevard
Table Rock, Nebraska 68447

Binder Irrigation, Inc.
c/o Lynn F. Binder
62694 Highway 4
Table Rock, Nebraska 68447