

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 17687 FOR WATER APPROPRIATION A-18711

WATER DIVISION 2-C

BACKGROUND

1. On June 18, 2010, Perry J. Pavelka, on behalf of landowner Delores Pavelka, filed in the Department of Natural Resources (Department) application A-18711 for a Permit to Appropriate Water.
2. On July 1, 2010, Perry J. Pavelka filed map number 17687 showing land proposed to be irrigated under application A-18711.

ORDER

IT IS HEREBY ORDERED:

1. Map number 17687 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18711 as depicted on map number 17687 which is made a part of this Order.

<u>Township 32 North, Range 8 West of the 6th P.M. in Knox County</u>	<u>Acres</u>
Section 28: SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
Section 33: SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.8
SE $\frac{1}{4}$ NW $\frac{1}{4}$	15.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	27.1
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.7
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.6
NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>34.4</u>
TOTAL	161.2

3. Appropriation A-18711 authorizes the appropriator the use of water for irrigation of the 161.2 acres of land described above. The water may be diverted from Pishel Creek at points of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 32 North, Range 8 West of the 6th P.M. in Knox County, at a maximum combined rate of 2.30 cubic feet per second (cfs) (1032 gallons per minute) from all points of diversion.

4. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated nor the least amount of water necessary for the production of crops in the exercise of good husbandry. Therefore, in any year when less than the maximum permitted acres are being irrigated, the quantity of water diverted at any time may be restricted to 1/70 cfs for each permitted acre being irrigated that year. This appropriation of water under any circumstance shall be limited annually to three acre-feet per acre of land on which water is actually and beneficially applied.
5. The appropriator is bound by all terms and conditions of the approval of application A-18711.

ADDITIONAL INFORMATION

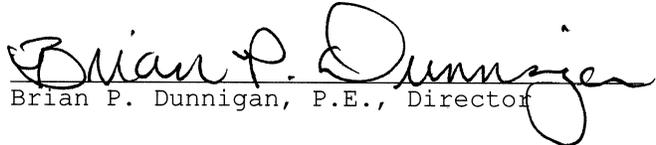
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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 you are not able to divert sufficient amounts of water, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

September 22, 2010


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* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (P.O. Box 94676, 301 Centennial Mall South, 4th Floor State Office Building, 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 17687 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 17687, and Surface Water Administration brochure were mailed on September 22, 2010, to the following:

Perry J. Pavelka
51276 889th Road
Verdigre, Nebraska 68783

Delores Pavelka
52497 883rd Road
Verdigre, NE 68783