

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 17821 FOR WATER APPROPRIATION A-18758A and A-18758B

WATER DIVISION 2-C

BACKGROUND

1. On March 10, 2011, William H. and Mary Ann Birkel filed in the Department of Natural Resources (Department) application A-18758 for a Permit to Appropriate Water.
2. On March 30, 2011, William H. Birkel filed in the Department filed map number 17821 showing the land proposed to be irrigated under application A-18758.
3. Water stored in Stewart Reservoir No. 1 will come from two sources. Therefore, application A-18758 was divided into two storage appropriations that correspond to the stream that supplies the storage water.

ORDER

IT IS HEREBY ORDERED:

1. Map number 17821 is APPROVED.
2. The following is a description of all the land which is authorized to be irrigated (appurtenant land) under surface water appropriations A-18758A and A-18758B as depicted on map number 17821:

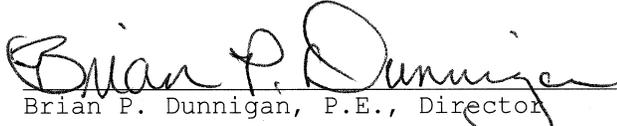
Township 32 North, Range 12 West of the 6 th P.M. in Holt County	Acres
Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$	12.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	21.3
SW $\frac{1}{4}$ NE $\frac{1}{4}$	28.7
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>30.4</u>
TOTAL	93.0

3. Appropriations A-18758A and A-18758B provide supplemental water to irrigate land under surface water natural flow appropriation A-18757 held by William H. and Mary Ann Birkel.

4. Under appropriation A-18758A the appropriator is allowed to divert a total of 12 acre-feet annually from a tributary to Eagle Creek, stored in Stewart Reservoir No. 1, under storage appropriation A-18755. Stewart Reservoir No. 1 is located in the NE¼ of Section 32, Township 32 North, Range 12 West of the 6th P.M. in Holt County to irrigate the land described above.
5. Under appropriation A-18758B the appropriator is allowed to divert a total of 36 acre-feet annually from a different tributary to Eagle Creek, stored in Stewart Reservoir No. 1, under supplemental storage appropriation A-18756 to irrigate the land described above.
6. The appropriator is bound by all terms and conditions of the approval of applications A-18758A and A-18758B.

DEPARTMENT OF NATURAL RESOURCES

June 17, 2011


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 (4th Floor, Nebraska State Office Building, 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 17821 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17821 were mailed on June 17, 2011, to the following:

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

Chris Kozisek
217 North 4th Street
O'Neill, Nebraska 68763