

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18039 FOR WATER APPROPRIATION A-18847

WATER DIVISION 2-C

BACKGROUND

1. On May 22, 2012, the Department of Natural Resources (Department) approved Daryll B. and Tamara L. Lightner's application A-18847 for a permit to appropriate water. This approval stated that a project map must be filed in the office of the Department by six months past the signing date of the application approval.
2. On August 1, 2012, Daryll B. Lightner filed in the Department map number 18039 depicting the land proposed to be irrigated under A-18847. This map was filed in a timely manner prior to the November 22, 2012, deadline which would have been six months after the signing date of the application approval.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18039 is APPROVED.
2. The following is a description of all the land which is authorized to be irrigated (appurtenant land) under surface water appropriation A-18847 as depicted on map number 18039 which is made a part of this Order:

<u>Township 31 North, Range 8 West of the</u>		
<u>6<sup>th</sup> P.M. in Knox County</u>		<u>Acres</u>
Section 11:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	31.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.4
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	31.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>31.7</u>
	TOTAL	126.2

3. Appropriation A-18847 authorizes the appropriator the use of water for irrigation of the 126.2 acres of land described above. The water may be diverted from Soldier Creek at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, Township 31 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox 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 1.80 cfs (808 gallons per minute).

4. Water diverted shall not exceed the ratio of 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 3 acre-feet per acre of land on which water is actually and beneficially applied.
5. Land under appropriation A-18847 is provided supplemental water by surface water appropriations A-18848, A-18849, A-18850 and A-18851.
6. The appropriator is bound by all terms and conditions of the approval of application A-18847.
7. 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.

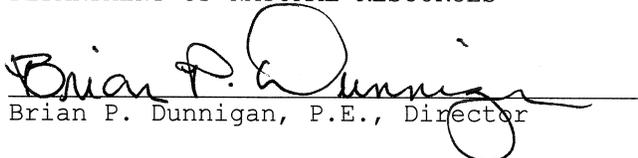
ADDITIONAL INFORMATION

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

December 6, 2013

  
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, 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 18039 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18039 were mailed on December 6, 2013, to the following:

Daryll B. and Tamara L. Lightner  
5831 South 58<sup>th</sup> Street, Suite C  
Lincoln, Nebraska 68516