

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18719 FOR WATER APPROPRIATION A-19157

WATER DIVISION 1-F

BACKGROUND

1. On October 31, 2013, Tyler Binder, on behalf of himself and Balerie Binder, Lynn and Elaine Binder, and Todd and April Binder, filed in the Department of Natural Resources (Department) application A-19157 for a Permit to Appropriate Water.
2. On November 18, 2013, Tyler Binder, on behalf of himself and Balerie Binder, Lynn and Elaine Binder, and Todd and April Binder, filed in the Department map number 18719 showing land proposed to be irrigated under application A-19157.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18719 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19157 as depicted on map number 18719 which is made a part of this Order.

Township 2 North, Range 16 East of the  
6<sup>th</sup> P.M. in Richardson County          Acres

Section 19:	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	35.5
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	40.0
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	37.5
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	40.3
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	24.5
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>8.8</u>
	TOTAL	186.6

3. Appropriation A-19157 has a priority date of October 31, 2013, and authorizes the appropriator the use of water for irrigation of the 186.6 acres of land described above. The water may be diverted from Muddy Creek at a point of diversion located on the left bank of the stream in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 19, Township 2 North, Range 16 East of the 6<sup>th</sup> P.M. in Richardson 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 2.67 cfs (1,198 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. The appropriator is bound by all terms and conditions of the approval of application A-19157.

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, 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 18719 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 18719, and Surface Water Administration brochure were mailed on January 29, 2014, to the following:

Tyler and Balerie Binder  
71387 624 Boulevard  
Table Rock, Nebraska 68447

Todd and April Binder  
509 9<sup>th</sup> Street  
Table Rock, Nebraska 68447

Lynn and Elaine Binder  
62694 Highway 4  
Table Rock, Nebraska 68447