

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 17818 AND PLAN P-18046 FOR WATER APPROPRIATION A-18755

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-18755 for a permit to impound water and petition DWV-2061 for a waiver of drawdown requirement.
2. On March 30, 2011, William H. and Mary Ann Birkel filed map of reservoir number 17818.
3. On June 17, 2011, the Department approved application A-18755 to impound 12 acre-feet per annum to be stored in Stewart Reservoir No. 1 located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 32, Township 32 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt County. The approval was conditioned on the appropriator filing a map/plan in accordance with *Title 457 Neb. Admin. Code Chapter 11* within six months of the signing date of the application approval.
4. On June 17, 2011, the Department approved application A-18756 for 36 acre-feet of supplemental storage in Stewart Reservoir No. 1 (three additional fills). The supplemental storage is in addition to the 12 acre-feet of storage granted under appropriation A-18755. The total amount of water for combined appropriations A-18755 and A-18756 is 48 acre-feet.
5. On December 13, 2011, Ronald W. Nohr, P.E., E.D.M. Associates Inc., on behalf of William H. and Mary Ann Birkel filed in the Department specifications according to *Title 457 Neb. Admin. Code Chapter 11*, and map/plan P-18046.

ORDER

1. Map of reservoir number 17818 and map/plan P-18046 are APPROVED.
2. A storage volume in the amount of 12 acre-feet per year shall remain in effect for A-18755. The total storage volume of water for combined appropriations A-18755 and A-18756 shall remain 48 acre-feet.
3. All terms and conditions of appropriation A-18755 shall remain in effect unless otherwise changed by this Order.
4. 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 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.

DEPARTMENT OF NATURAL RESOURCES

January 19, 2012

  
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 approval 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 Approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. Copies of this approval, map of reservoir number 17818 and plan P-18046 were provided to the Department's field office in Ord, Nebraska. A copy of this approval was mailed to the following:

Ronald W. Nohr, P.E.  
E.D.M. Associates Inc.  
15 Deer Haven  
Sioux City, IA 51104

Copies of this approval, map of reservoir number 17818 and plan P-18046 were mailed on January 19, 2012, to the following:

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