

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-2288 AND MAP 18147 TO CHANGE THE LOCATION OF
DIVERSION FOR WATER APPROPRIATION A-18799

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18799 is held by Gary D. and Sharon K. Rupprecht.
2. Appropriation A-18799 has a priority date of August 26, 2011, and authorizes the use of water for irrigation of 152.2 acres of land. The water may be diverted from Big Indian Creek at points of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 1 North, Range 6 East of the 6th P.M. in Gage County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 2.17 cfs (974 gallons per minute) from all points of diversion.
3. Gary D. and Sharon K. Rupprecht filed petition RLP-2288 in the Department for a permit to change the location of diversion for appropriation A-18799.
4. Gary D. Rupprecht filed map number 18147 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-18799 through petition RLP-2288.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-2288 for a permit to change the location of diversion for appropriation A-18799 and map number 18147 are APPROVED.
2. Appropriation A-18799 through petition RLP-2288 is now A-18799R.
3. Water may no longer be diverted from the right bank of Big Indian Creek in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 1 North, Range 6 East of the 6th P.M. in Gage County.

4. Appropriation A-18799R shall be shown in the Department's records authorizing the use of water to irrigate 152.2 acres of land described below and depicted on map number 18147, which is made a part of this Order. The water may be diverted from Big Indian Creek at points of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 1 North, Range 6 East of the 6th P.M. in Gage County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 2.17 cfs (974 gallons per minute) from all points of diversion. The total combined volume of all appropriations may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 1 North, Range 6 East of the</u>		
<u>6th P.M. in Gage County</u>		<u>Acres</u>
Section 19:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.3
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.3
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.4
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>35.5</u>
	TOTAL	152.2

5. All terms and conditions of appropriation A-18799 remain in effect unless specifically changed by this Order.
6. 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

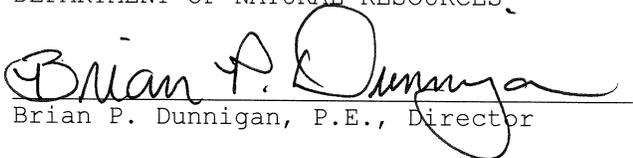
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an 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.

DEPARTMENT OF NATURAL RESOURCES

August 7, 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 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, 4th 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 18147 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18147 were mailed on August 7, 2012, to the following:

Gary D. and Sharon K. Rupprecht
101 High Street
Odell, Nebraska 68415