

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19631 AND MAP OF RESERVOIR 20414

WATER DIVISION 1-C

BACKGROUND

1. On April 1, 2019, Michael J. and Jeanette M. Hoyer filed in the Department of Natural Resources (Department) application A-19631 for a permit to impound supplemental water in Hoyer Irrigation Reservoir for an amount not to exceed 47.2 acre feet-per year for the purpose of irrigation.
2. On April 1, 2019, Michael J. and Jeanette M. Hoyer filed in the Department application A-19630 for a permit to impound 15.7 acre-feet of water in Hoyer Irrigation Reservoir and plan of reservoir 20370 according to *Title 457 Neb. Admin. Code Chapter 11*.
3. Applications A-19630 and A-19631, if approved would allow the appropriator to store a total of 62.9 acre-feet per year, based on multiple fills of Hoyer Irrigation Reservoir. Application A-19631 has an off-channel point of diversion for the proposed pump site.
4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19631 and map of reservoir 20414 are APPROVED subject to the following limitations and conditions:

1. The priority date is April 1, 2019.
2. The source of water is a tributary to Spring Creek located below Hoyer Irrigation Reservoir in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 02 North, Range 06 West of the 6th P.M. in Nuckolls County as shown on map of reservoir 20414.
3. The amount of water that may be diverted shall not exceed 47.2 acre-feet per year to be stored in Hoyer Irrigation Reservoir located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 02 North, Range 06 West of the 6th P.M. in Nuckolls County. The total amount of water stored in Hoyer irrigation under A-19630 and A-19631 shall not exceed 62.9 acre-feet per year.
4. The water stored under this appropriation is for the purpose of providing additional stored water for subsequent irrigation from Hoyer Irrigation Reservoir under storage use application A-19632, a portion of which provides supplemental irrigation water to land authorized under natural flow appropriation A-15274.

5. *Nebraska Revised Statutes* § 46-241(5) states in part, "The owner or possessor of a reservoir or intentional underground water storage facility does not have the right to store water in such reservoir or facility during the time that such water is required downstream in ditches for direct irrigation or for any reservoir or facility holding a senior right. Every person who owns, controls, or operates a reservoir or intentional underground water storage facility, except political subdivisions of this state, shall be required to pass ... a portion of the measured inflows to furnish water for livestock"
6. The owner or possessor of the reservoir storing water shall have structural controls in place or other mechanical means to immediately release a portion of the measured inflows in such amounts and at such times if so ordered by the Department.
7. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
8. This appropriation is subject to the provisions of the Blue River Compact and the appropriator could be required to pass inflows if Compact flows are not being met.
9. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - C. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.

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

June 7, 2019


Gordon W. Fassett, P.E., Director

A copy of this approval was posted on the Department's website. Copies of this approval and map of reservoir 20414 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval and map of reservoir 20414 were mailed to the following:

Michael J. and Jeanette M. Hoyer
887 Road 4100
Superior, Nebraska 68978