

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19403 AND MAP NUMBER 19406

WATER DIVISION 1-D

BACKGROUND

1. On December 3, 2015, Bill White, on behalf of the Clayton Beckler Trust, filed in the Department of Natural Resources (Department) application A-19403 for a Permit to Appropriate Water.
2. On December 24, 2015, Bill White filed in the Department map number 19406 showing land proposed to be irrigated under application A-19403.
3. Application A-19403 proposes to use water stored in Beckler Large Reservoir (storage application A-19402). Beckler Large Reservoir is connected to Beckler Small Reservoir (storage application A-19404) on the east end of the dam by an underground pipe. This pipe allows water to flow between the two reservoirs so that the appropriator can pump water from both through a common pumpsite located on the east bank of Beckler Large Reservoir.
4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19403 and map number 19406 are APPROVED subject to the following limitations and conditions:

1. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19403 as depicted on map number 19406 which is made a part of this Order.

<u>Township 09 North, Range 02 East of the 6<sup>th</sup> P.M. in Seward County</u>	<u>Acres</u>
Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$	22.4
NE $\frac{1}{4}$ NE $\frac{1}{4}$	37.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>33.4</u>
TOTAL	96.0

2. Appropriation A-19403 has a priority date of December 3, 2015, and authorizes the appropriator the use of 24.9 acre-feet annually from Beckler Large Reservoir (storage appropriation A-19402) from a pump site located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, Township 09 North, Range 02 East of the 6<sup>th</sup> P.M. in Seward County, as depicted on map number 19406.

3. Only the land shown on map number 19406 may be irrigated under appropriation A-19403.
4. This appropriation will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 24.9 acre-feet per annum.
5. 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.
6. The appropriator must comply with the following deadlines:
  - A. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19403 must be beneficially used by September 1, 2018.
  - B. After September 1, 2018, a field investigation will be conducted to determine the acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriation A-19403.

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

January 29, 2016

  
Gordon W. Fassett, 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 19406 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19406 were mailed on January 29, 2016, to the following:

Clayton Beckler Trust  
c/o Austin Company  
Bill White  
P.O. Box 70  
Milford, Nebraska 68405