

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18308 FOR WATER APPROPRIATION A-18962

WATER DIVISION 2-F

BACKGROUND

1. On September 4, 2012, Dennis L. Esch, managing partner for Horse Creek Farms, filed in the Department of Natural Resources (Department) application A-18962 for a Permit to Appropriate Water.
2. On September 24, 2012, Dennis L. Esch, managing partner for Horse Creek Farms, filed in the Department map number 18308 showing land proposed to be irrigated under application A-18962.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18308 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18962 as depicted on map number 18308 which is made a part of this Order.

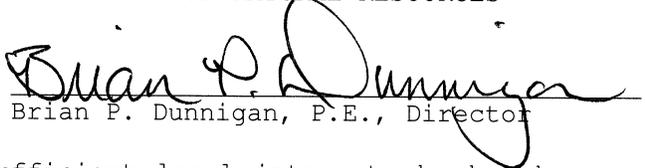
Township 13 North, Range 13 East of the		
<u>6<sup>th</sup> P.M. in Sarpy County</u>		<u>Acres</u>
Section 24:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	19.7
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	18.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.4
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>20.5</u>
	TOTAL	156.1

3. Appropriation A-18962 authorizes the appropriator the use of water for irrigation of the 156.1 acres of land described above. The water may be diverted from Papillion Creek at a point of diversion on the right bank of the stream located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 24, Township 13 North, Range 13 East of the 6<sup>th</sup> P.M. in Sarpy County, at a maximum rate of 2.23 cubic feet per second (cfs) (1001 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 three 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-18962.

DEPARTMENT OF NATURAL RESOURCES

November 2, 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, 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 18308 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order, map number 18308, and Surface Water Administration brochure were mailed on November 2, 2012, to the following:

Horse Creek Farms  
c/o Dennis L. Esch  
2006 North 101<sup>st</sup> Circle  
Omaha Nebraska 68134