STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

# APPROVAL OF PETITION RLP-4624 AND MAP 18514 TO CHANGE THE LOCATION OF DIVERSION FOR WATER APPROPRIATION A-10526

WATER DIVISION 1-C

## BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10526 is held by Darwin and Sandra Sterkel.

2. Appropriation A-10526 has a priority date of February 5, 1965, and authorizes the use of water for irrigation of 131 acres of land. The water may be diverted from the Little Blue River at points of diversion located on the left bank of the stream in the NW¼SW¼ of Section 21 and in the SE¼SE¼ of Section 20, both in Township 4 North, Range 6 West of the 6th P.M. in Nuckolls 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 1.87 cfs (839 gallons per minute) from all points of diversion.

3. On April 9, 2013, Darwin Sterkel filed petition RLP-4624 in the Department for a permit to change the location of diversion for appropriation A-10526.

4. On May 13, 2013, Darwin Sterkel filed map number 18514 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-10526 through petition RLP-4624.

## ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-4624 for a permit to change the location of diversion for appropriation A-10526 and map number 18514 are APPROVED.

2. Appropriation A-10526 through petition RLP-4624 is now A-10526R.

3. Appropriation A-10526R shall be shown in the Department's records authorizing the use of water to irrigate 131 acres of land described below and depicted on map number 18514, which is made a part of this Order. The water may be diverted from the Little Blue River at a point of diversion located on the left bank of the stream in the SW¼SW¼ of Section 21, Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.87 cfs (839 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

| Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County | | Acres |
|---|---|---|
| Section 21: | SE¼NW¼ | 40 |
| | NW¼SW¼ | 26 |
| | NE¼SW¼ | 20 |
| | SW¼SW¼ | 25 |
| | SE¼SW¼ | 20 |
| | TOTAL | 131 |

4. All terms and conditions of appropriation A-10526 remain in effect unless specifically changed by this Order.

5. 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

June 27, 2013

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 18514 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18514 were mailed on June 27, 2013, to the following:

Darwin and Sandra Sterkel
3939 Road W
Edgar, Nebraska 68935