

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-2291 AND MAP 18150 TO CHANGE THE LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-13014

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13014 is held by Ralph Shoemaker.
2. Appropriation A-13014 has a priority date of April 5, 1974, and authorizes the use of water for irrigation of 90.0 acres of land. The water may be diverted from the South Loup River at a point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 24, Township 13 North, Range 19 West of the 6<sup>th</sup> P.M. in Custer County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 105 acres irrigated at a maximum rate of 0.86 cfs (386 gallons per minute).
3. On March 15, 2012, Ralph Shoemaker filed petition RLP-2291 in the Department for a permit for an additional location of diversion for appropriation A-13014.
4. On June 8, 2012, Ralph Shoemaker filed map number 18150 in the Department showing the location of the proposed pump site, the existing pump site, and the land to be irrigated under appropriation A-13014 through petition RLP-2291.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-2291 for a permit to change the location of diversion for appropriation A-13014 and map number 18150 are APPROVED.
2. Appropriation A-13014 through petition RLP-2291 is now A-13014R.

3. Appropriation A-13014R shall be shown in the Department's records authorizing the use of water to irrigate 90 acres of land described below and depicted on map number 18150, which is made a part of this Order. The water may be diverted from the South Loup River at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 24 Township 13 North, Range 19 West of the 6<sup>th</sup> P.M. and the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 30, Township 13 North, Range 18 West of the 6<sup>th</sup> P.M., both in Custer County. Water diverted shall not exceed the ratio of one cfs for every 105 acres irrigated at a maximum combined rate of 0.86 cfs (386 gallons per minute) from both points of diversion. The total combined volume may not exceed 3 acre-feet per irrigated acre per year.

Township 13 North, Range 19 West of the 6 <sup>th</sup> P.M. in Custer County		Acres
Section 24: SE $\frac{1}{4}$ SW $\frac{1}{4}$		31
SW $\frac{1}{4}$ SE $\frac{1}{4}$		39
SE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>20</u>
TOTAL		90

4. All terms and conditions of appropriation A-13014 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

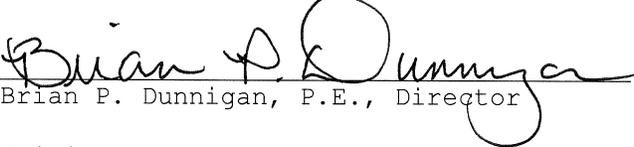
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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 18, 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 18150 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18150 were mailed on June 18, 2012, to the following:

Ralph Shoemaker  
407 Hale  
Ansley, NE 68814