

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-2282 AND MAP 18142 TO CHANGE THE LOCATION OF
DIVERSION FOR WATER APPROPRIATION A-18800

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18800 is held by Charles E. Dickau.
2. Appropriation A-18800 has a priority date of August 26, 2011, and authorizes the use of water for irrigation of 188.0 acres of land. The water may be diverted from a tributary to Ponca Creek at a point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 33 North, Range 8 West of the 6th P.M. in Knox County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 2.69 cfs (1,207 gallons per minute).
3. On March 2, 2012, Charles E. Dickau filed petition RLP-2282 in the Department for a permit to add a second location of diversion to appropriation A-18800.
4. On March 28, 2012, Charles E. Dickau filed map number 18142 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-18800 through petition RLP-2282.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-2282 for a permit to change the location of diversion for appropriation A-18800 and map number 18142 are APPROVED.
2. Appropriation A-18800 through petition RLP-2282 is now A-18800R.

3. Appropriation A-18800R shall be shown in the Department's records authorizing the use of water to irrigate 188.0 acres of land described below and depicted on map number 18142, which is made a part of this Order. The water may be diverted from a tributary to Ponca Creek at points of diversion located in the NW¹/₄SW¹/₄ and SW¹/₄NW¹/₄ of Section 19, Township 33 North, Range 8 West of the 6th P.M. in Knox County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 2.69 cfs (1,207 gallons per minute) from all points of diversion. The total combined volume of all appropriations may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 33 North, Range 8 West of the</u>		
<u>6th P.M. in Knox County</u>		<u>Acres</u>
Section 19:	NW ¹ / ₄ NW ¹ / ₄	34.3
	SW ¹ / ₄ NW ¹ / ₄	18.7
	NW ¹ / ₄ SW ¹ / ₄	15.4
<u>Township 33 North, Range 9 West of the</u>		
<u>6th P.M. in Boyd County</u>		<u>Acres</u>
Section 24:	SW ¹ / ₄ NE ¹ / ₄	10.8
	SE ¹ / ₄ NE ¹ / ₄	28.5
	NW ¹ / ₄ SE ¹ / ₄	8.4
	NE ¹ / ₄ SE ¹ / ₄	29.5
	SW ¹ / ₄ SE ¹ / ₄	35.6
	SE ¹ / ₄ SE ¹ / ₄	<u>6.8</u>
	TOTAL	188.0

4. All terms and conditions of appropriation A-18800 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

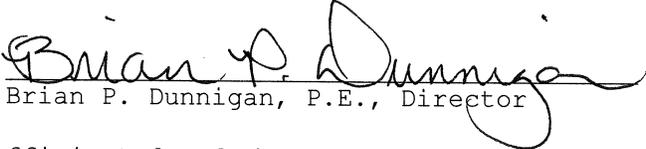
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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

April 17, 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, 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 18142 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18142 were mailed on April 17, 2012, to the following:

Charles E. Dickau
202 West Beech
Elgin, Nebraska 68636