STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-4662 AND MAP 18501 TO CHANGE THE LOCATION OF DIVERSION FOR WATER APPROPRIATION A-18838

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18838 is held by Patrick J. and Patricia A. Chohon.

2. Appropriation A-18838 has a priority date of November 21, 2011, and authorizes the use of water for irrigation of 253.8 acres of land. The water may be diverted from Louse Creek at a point of diversion located on the left bank of the stream in the SE¼NE¼ of Section 25, Township 32 North, Range 10 West of the 6th P.M. in Holt 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 3.63 cfs (1,629 gallons per minute).

3. Patrick J. Chohon filed petition RLP-4662 in the Department for a permit to change the location of diversion for appropriation A-18838.

4. Patrick J. Chohon filed map number 18501 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-18838 through petition RLP-4662.

5. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-4662 for a permit to change the location of diversion for appropriation A-18838 and map number 18501 are APPROVED.

2. Appropriation A-18838 through petition RLP-4662 is now A-18838R.

3. Appropriation A-18838R shall be shown in the Department's records authorizing the use of water to irrigate 253.8 acres of land described below and depicted on map number 18501, which is made a part of this Order. The water may be diverted from Louse Creek at a point of diversion located on the left bank of the stream in the NW¼ of Section 30, Township 32 North, Range 9 West of the 6th P.M. in Holt County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 3.63 cfs (1,629 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 32 North, Range 10 West of the 6th P.M. in Holt County		Acres
Section 25:	NW¼NW¼	35.0
	NE¼NW¼	35.0
	SW¼NW¼	35.0
	SE¼NW¼	35.0
	NW¼NE¼	35.0
	NE¼NE¼	27.2
	SW¼NE¼	35.0
	SE¼NE¼	16.6
	TOTAL	253.8

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 3 acre-feet per acre of land on which water is actually and beneficially applied.

5. All terms and conditions of appropriation A-18838 remain in effect unless specifically changed by this Order.

6. 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 30, 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 18501 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18501 were mailed on April 30, 2013, to the following:

Patrick J. and Patricia A. Chohon
P.O. Box 375
O'Neill, Nebraska 68763