STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18768 FOR WATER APPROPRIATION A-19095

WATER DIVISION 1-D

BACKGROUND

1. On December 23, 2013, the Department of Natural Resources (Department) approved application A-19095, filed by Doris A. Peters, Trustee, on behalf of the Peters Living Trust, for a Permit to Appropriate Water from Turkey Creek for irrigation. This approval was conditional upon the appropriator filing a map prepared according to *Title 457 Neb. Admin. Code* Chapter 10 in the office of the Department by six months past the signing date of the application approval.

2. On January 15, 2014, Doris A. Peters, Trustee, on behalf of the Peters Living Trust, filed map number 18768 showing the project proposed under A-19095.

ORDER

IT IS HEREBY ORDERED:

1. Map number 18768 is APPROVED.

2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19095 as depicted on map number 18768 which is made a part of this Order.

Township 5 North, Range 5 East of the 6th P.M. in Gage County		Acres
Section 29:	SE¼NW¼	7.4
	SW¼NE¼	9.9
	NE¼SW¼	11.4
	NW¼SE¼	0.6
	TOTAL	29.3

3. Appropriation A-19095 has a priority date of June 18, 2013, and authorizes the appropriator the use of water for irrigation of the 29.3 acres of land described above. The water may be diverted from Turkey Creek at a point of diversion located on the right bank of the stream in the NE¼SW¼ of Section 29, Township 5 North, Range 5 East of the 6th P.M. in Gage 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 0.42 cfs (188 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 3 acre-feet per acre of land on which water is actually and beneficially applied; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

5. The appropriator is bound by all terms and conditions of the approval of application A-19095.

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 and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected 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. If in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

April 15, 2014

Brian P. Dunnigan

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 18768 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 18768, and Surface Water Administration brochure were mailed on April 15, 2014, to the following:

Doris A. Peters
Peters Living Trust
15124 North Blue Ridge Drive
DeWitt, Nebraska 68341