STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 16936 FOR WATER APPROPRIATION A-18457

WATER DIVISION 2-C

BACKGROUND

1. On February 20, 2007, Lee M. Simmons filed in the Department of Natural Resources (Department) application A-18457 for a Permit to Appropriate Water.

2. On March 22, 2007, Lee M. Simmons filed in the Department map number 16936 showing land proposed to be irrigated under application A-18457.

ORDER

IT IS HEREBY ORDERED:

1. Map number 16936 is APPROVED.

2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18457 as depicted on map number 16936 which is made a part of this Order.

Township 34 North, Range 26 West of the 6th P.M. in Cherry County		Acres
Section 22:	NW¼SE¼	3.6
	NE¼SE¼	13.5
Section 23:	NW¼SW¼	15.8
	NE¼SW¼	4.8
	NW¼SE¼	4.2
	TOTAL	41.9

3. Appropriation A-18457 has a priority date of February 20, 2007, and authorizes the appropriator the use of water for irrigation of the 41.9 acres of land described above. The water may be diverted from the Niobrara River at points of diversion located on the left bank of the stream in the NW¼SE¼ and NE¼SE¼ of Section 22 and the NW¼SW¼, NE¼SW¼ and NW¼SE¼ of Section 23, all in Township 34 North, Range 26 West of the 6th P.M. in Cherry 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 0.60 cfs from all points of diversion (269 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-18457.

DEPARTMENT OF NATURAL RESOURCES

September 26, 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 16936 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 16936, and Surface Water Administration brochure were mailed on September 26, 2014, to the following:

Lee M. Simmons
90427 Timber Ridge Road
Valentine, Nebraska 69201