

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-5513 AND MAP 19336 TO ADD A POINT OF
DIVERSION FOR WATER APPROPRIATION A-11408

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11408 is held by Wagon-R Farms, Inc.
2. Appropriation A-11408 has a priority date of May 2, 1968, and authorizes the use of water for irrigation of 69 acres of land. The water may be diverted from Dane Creek at a point of diversion located on the north bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 02, Township 18 North, Range 15 West of the 6th P.M. in Valley 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 0.99 cfs.
3. On August 14, 2015, Donald L. Wagner, on behalf of Wagon-R Farms, Inc., filed petition RLP-5513 in the Department for a permit to add a point of diversion for appropriation A-11408.
4. On August 31, 2015, Donald L. Wagner filed map number 19336 in the Department showing the location of the pump sites and the land to be irrigated under appropriation A-11408 through petition RLP-5513.
5. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-5513 for a permit to add a point of diversion for appropriation A-11408 and map number 19336 are APPROVED.
2. Appropriation A-11408 through petition RLP-5513 is now A-11408R.

3. Appropriation A-11408R shall be shown in the Department's records authorizing the use of water to irrigate 69 acres of land described below and depicted on map number 19336, which is made a part of this Order. The water may be diverted from Dane Creek at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 01, and on the left bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 02, both in Township 18 North, Range 15 West of the 6th P.M. in Valley County, as depicted on map number 19336. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.99 cfs (444 gallons per minute) from both points of diversion. The total combined volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 18 North, Range 15 West of the</u>		
<u>6th P.M. in Valley County</u>		<u>Acres</u>
Section 01:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	17
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8
Section 02:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	16
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>13</u>
	TOTAL	69

4. All terms and conditions of appropriation A-11408 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

November 16, 2015


Gordon W. Fassett, 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 19336 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19336 were mailed on November 16, 2015, to the following:

Donald L. Wagner
Wagon-R Farms, Inc.
47289 809 Road
Ord, Nebraska 68862