

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-1490 AND MAP TO CHANGE THE LOCATION OF

DIVERSION FOR WATER APPROPRIATION A-11009R

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-11009R is held by R. Wynn Hipke, Lloyd Z. Hipke, Roy E. Hipke, Keith Hipke and Marian G. Caffee.
2. Appropriation A-11009R has a priority date of January 10, 1967, and authorizes the use of water for irrigation of 184.9 acres of land. The water may be diverted from Big Sandy Creek at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 33 North, Range 14 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 2.64 cfs (1185 gallons per minute).
3. Lloyd Z. Hipke, on behalf of R. Wynn Hipke, Lloyd Z. Hipke, Roy E. Hipke, Keith Hipke and Marian G. Caffee, filed petition RLP-1490 for a permit to change the location of diversion for the land authorized to be irrigated by appropriation A-11009R.
4. Map number 17321 shows the location of the proposed pump site and the land to be irrigated under appropriation A-11009R through petition RLP-1490.

Order

IT IS HEREBY ORDERED:

1. Petition RLP-1490 for a permit to change the location of diversion and map number 17321 are APPROVED.

2. Appropriation A-11009R authorizes the use of water to irrigate 184.9 acres of land described below and depicted on map number 17321, which is made a part of this Order. The water may be diverted from Big Sandy Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 33 North, Range 14 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 2.64 cfs. The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 33 North, Range 14 West of the 6 th P.M. in Holt County		Acres
Section 29:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.2
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	37.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	7.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.5
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	14.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>0.5</u>
	TOTAL	184.9

3. All terms and conditions of appropriation A-11009R (including those inherited from A-11009) remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following.
- Notify the Department of any change in ownership or address.
 - 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).
 - 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 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

February 4, 2009

/s/
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 Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, 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 17321 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17321 were mailed on February _____, 2009, to the following:

Lloyd Z. Hipke
47121 894 Road
Stuart NE 68780

R. Wynn Hipke
89450 469th Avenue
Stuart NE 68780

Roy E. Hipke
46957 894th Road
Stuart NE 68780

Marian G. Caffee
40625 257th Street
Mitchell SD 57301

Keith A. Hipke
89429 472nd Avenue
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