

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-1969 AND MAP TO CHANGE THE LOCATION OF
DIVERSION FOR WATER APPROPRIATION A-16760

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16760 is held by Kenneth W. and Margaret J. Vakoc.
2. Appropriation A-16760 has a priority date of March 17, 1989, and authorizes the use of water for irrigation of 49.7 acres of land. The water may be diverted from Verdigre Creek at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 30 North, Range 6 West of the 6th P.M. in Knox 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 0.71 cfs (319 gallons per minute).
3. On September 3, 2010, Kenneth W. Vakoc filed in the Department petition RLP-1969 for a permit to change the location of diversion for appropriation A-16760 and map number 17700 showing the location of the proposed pump site and the land to be irrigated under appropriation A-16760 through petition RLP-1969.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-1969 for a permit to change the location of diversion and map number 17700 are APPROVED.
2. Appropriation A-16760 through petition RLP-1969 is now A-16760R.

3. Appropriation A-16760R authorizes the use of water to irrigate 49.7 acres of land described below and depicted on map number 17700, which is made a part of this Order. The water may be diverted from Verdigre Creek at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 30 North, Range 6 West of the 6th P.M. in Knox County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.71 cfs (319 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 30 North, Range 6 West of the</u>		
<u>6th P.M. in Knox County</u>		<u>Acres</u>
Section 8:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.1
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.7
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.6
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>1.3</u>
TOTAL		49.7

4. All terms and conditions of appropriation A-16760 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

December 6, 2010


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 454 Neb. Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (P.O. Box 94676, 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 17700 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17700 were mailed on December 7, 2010, to the following:

Kenneth W. and Margaret J. Vakoc
52288 881 Road
Verdigre, Nebraska 68783