

Section 27:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.7
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	16.6
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.1
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.3
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0
Section 35:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>1.8</u>
	TOTAL	635.4

3. Appropriation A-18390 is held by Joe McClaren Ranch Company and authorizes the use of water for irrigation of the 635.4 acres of land described above. The water may be diverted from the Niobrara River at a point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 33 North, Range 33 West of the 6th P.M. in Cherry County at a maximum rate of 9.08 cubic foot per second (cfs) (4075 gallons per minute). The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated and an annual volume not to exceed 3 acre-feet per acre irrigated.
4. The appropriator is bound by all terms and conditions of the approval of application A-18390.
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 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 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 you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

February 17, 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, NE 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 17066 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 17066, and Surface Water Administration brochure were mailed on February _____, 2009, to the following:

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