

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5022 AND PETITION RLP-5023 FOR A PERMIT TO
CHANGE THE LOCATION OF DIVERSION FOR WATER APPROPRIATION A-11678

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11678 is held by Douglas A. and Victoria A. Damme.
2. Appropriation A-11678 has a priority date of March 26, 1969, and authorizes the use of water for irrigation of the 188.0 acres of land described below. The water may be diverted from the Little Nemaha River at points of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 12, both in Township 7 North, Range 11 East of the 6th P.M. in Otoe County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 200 acres irrigated at a maximum combined rate of 0.94 cfs from all points of diversion.

Township 7 North, Range 11 East of the 6 th P.M. in Otoe County		Acres
Section 11:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
Section 12:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	27.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>31.0</u>
TOTAL		188.0

3. On April 4, 2014, Douglas A. Damme, on behalf of Victoria A. Damme and himself, filed application EXT-5022 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-11678.
4. The applicant requested the 188.0 acres of land subject to transfer be "folded" to irrigate 66.0 acres and the rate that water may be diverted after the transfer shall not exceed one cfs for every 70 acres irrigated.
5. On March 2, 2015, Douglas A. Damme filed map number 18613 showing the land proposed to be irrigated under appropriation A-11678 through transfer EXT-5022.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-5023 for a permit to change the location of diversion for appropriation A-11678 and map number 18613 are APPROVED.
2. Appropriation A-11678 through petition RLP-5023 is now A-11678R.
3. Application EXT-5022 for a permit for an expedited transfer of the location of use is APPROVED.
4. Appropriation A-11678R through transfer EXT-5022 authorizes the use of water to irrigate 66.0 acres of land described below and depicted on map number 18613, which is made a part of this Order. The water may be diverted from the Little Nemaha River at points of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 7 North, Range 11 East of the 6th P.M. in Otoe County, as depicted on map number 18613. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.94 cfs from all points of diversion (422 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 7 North, Range 11 East of the 6 th P.M. in Otoe County		Acres
Section 12:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.5
Section 13:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.2
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.7
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>23.5</u>
	TOTAL	66.0

5. All terms and conditions of appropriation A-11678 remain in effect unless specifically changed by this Order.
6. 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

March 30, 2015



James C. Schneider, Ph.D.
Acting 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 18613 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18613 were mailed on March 30, 2015, to the following:

Douglas A. and Victoria A. Damme
2937 M Road
Talmage, Nebraska 68448