STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5372 FOR WATER APPROPRIATION A-3677

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3677 is held by E. Duane and Shirley E. Reynolds.

2. Appropriation A-3677 has a priority date of January 31, 1944, and authorizes the use of water for irrigation of the 26.8 acres of land described below. The water may be diverted from Mud (Beaver) Creek at a point of diversion located on the north bank of the stream in the E½NW¼ of Section 35, Township 14 North, Range 16 West of the 6th P.M. in Sherman County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 120 acres irrigated at a maximum rate of 0.23 cfs.

Township 14 North, Range 16 West of the 6th P.M. in Sherman County		Acres
Section 35:	NE¼NW¼	12.5
	SE¼NW¼	14.3
	TOTAL	26.8

3. On June 15, 2015, E. Duane Reynolds filed application EXT-5372 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-3677 and map number 19190 showing the land proposed to be irrigated under appropriation A-3677 through transfer EXT-5372.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5372 for a permit for an expedited transfer of the location of use and map number 19190 are APPROVED.

2. Appropriation A-3677 through transfer EXT-5372 authorizes the use of water to irrigate 16.1 acres of land described below and depicted on map number 19190, which is made a part of this Order. The water may be diverted from Mud (Beaver) Creek at a point of diversion located in the E½NW¼ of Section 35, Township 14 North, Range 16 West of the 6th P.M. in Sherman County, as depicted on map number 19190. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.23 cfs (103 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 14 North, Range 16 West of the 6th P.M. in Sherman County		Acres
Section 35:	NW¼NW¼	5.0
	NE¼NW¼	1.8
	SW¼NW¼	5.6
	SE¼NW¼	3.7
	TOTAL	16.1

3. All terms and conditions of appropriation A-3677 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:

   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

July 22, 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 19190 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19190 were mailed on July 22, 2015, to the following:

E. Duane and Shirley E. Reynolds
13242 Highway 2
Litchfield, Nebraska 68852