

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4668 FOR WATER APPROPRIATION D-554

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation D-554 is held by 33 Ranch LLC.
2. Appropriation D-554 has a priority date of October 1, 1883, and authorizes the use of water for irrigation of the 404.5 acres of land described below. The water may be diverted from the Niobrara River via the headgate of the Lakotah Canal located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 30 North, Range 57 West of the 6th P.M. in Sioux County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 5.76 cfs.

Township 30 North, Range 56 West of the 6 th P.M. in Sioux County	Acres	Township 30 North, Range 57 West of the 6 th P.M. in Sioux County	Acres
Section 7: SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.7	Section 12: SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.9
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	16.8
NW $\frac{1}{4}$ SW $\frac{1}{4}$	30.7	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.2
NE $\frac{1}{4}$ SW $\frac{1}{4}$	16.6	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.3
SW $\frac{1}{4}$ SW $\frac{1}{4}$	24.3	SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.5
SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.2		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.5	Section 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.4
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>0.9</u>
Section 18: NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.9	TOTAL	404.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.9		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.3		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	28.7		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	31.6		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.7		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	35.1		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	12.3		

3. On April 29, 2013, John Geiser, on behalf of 33 Ranch LLC, filed application EXT-4668 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation D-554.
4. On September 11, 2013, John Geiser, on behalf of 33 Ranch LLC, filed map number 18531 showing the land proposed to be irrigated under appropriation D-554 through transfer EXT-4668.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4668 for a permit for an expedited transfer of the location of use and map number 18531 are APPROVED.
2. Appropriation D-554 through transfer EXT-4668 authorizes the use of water to irrigate 404.5 acres of land described below and depicted on map number 18531, which is made a part of this Order. The water may be diverted from the Niobrara River via the headgate of the Lakotah Canal located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 30 North, Range 57 West of the 6th P.M. in Sioux County, as depicted on map number 18531. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 5.76 cfs from all points of diversion (2,585 gallons per minute). The total volume may not exceed three 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.

<u>Township 30 North, Range 56 West of the</u> <u>6th P.M. in Sioux County</u>	<u>Acres</u>	<u>Township 30 North, Range 57 West of the</u> <u>6th P.M. in Sioux County</u>	<u>Acres</u>
Section 7: SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.6	Section 12: SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.2
			18.0
	30.4		
	11.8	NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.6
	23.1	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.5
	30.4	SW $\frac{1}{4}$ SE $\frac{1}{4}$	29.1
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.2
	1.5		
Section 18: NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.9	Section 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.4
	40.9		0.9
	17.3		
	26.6	TOTAL	404.5
	15.8		
	3.3		

3. All terms and conditions of appropriation D-554 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

January 29, 2015



James C. Schneider
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 18531 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 18531 were mailed on January 29, 2015, to the following:

John Geiser, Manager
33 Ranch LLC
P.O. Box 327
Harrison, Nebraska 69346