

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER APPROVING EXPEDITED TRANSFER EXT-2042 (T-1117) TO TRANSFER THE LOCATION
OF USE AND DIVIDING WATER APPROPRIATION A-17889

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17889 is held by the Mila V. Loseke Trust.
2. Appropriation A-17889 has a priority date of July 17, 2000, and authorizes the use of water for irrigation of the 124.2 acres of land described below. The water may be diverted from the Loup River via the headgate of the Columbus-Genoa Canal located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 16 North, Range 4 West of the 6th P.M. in Nance County. The canal withdrawal points are located on both banks of the canal in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 18 North, Range 2 West of the 6th P.M. in Platte County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.88 cfs from all points of diversion (395 gallons per minute).

<u>Township 18 North, Range 2 West of the</u>	
<u>6th P.M. in Platte County</u>	
	<u>Acres</u>
Section 27: SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34.1
NE $\frac{1}{4}$ SW $\frac{1}{4}$	16.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.4
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>23.7</u>
TOTAL	124.2

3. Appropriation A-17889 provides additional water to land approved for irrigation under appropriation A-8416.
4. On March 8, 2004, Deborah Svoboda, Trustee, on behalf of the Mila V. Loseke Trust, filed application EXT-2042 (T-1117) for a permit for an expedited transfer of the location of use for land authorized to be irrigated under appropriation A-17889 and map number 16430 showing a portion of the land proposed to be irrigated under appropriation A-17889 through transfer EXT-2042 (T-1117).

5. On February, 14, 2011, Deborah Svoboda, Trustee, on behalf of the Mila V. Loseke Trust filed map number 17790 showing a portion of the land proposed to be irrigated under appropriation A-17889 through transfer EXT-2042 (T-1117).

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2042 (T-1117) for a permit for an expedited transfer of the location of use is APPROVED.
2. Appropriation A-17889 is divided into two appropriations, A-17889A and A-17889B, to represent unique rates of diversion.
3. Map number 16430 showing the land to be irrigated under appropriation A-17889A is APPROVED.

A. Appropriation A-17889A through transfer EXT-2042 (T-1117) authorizes the use of water to irrigate 50.0 acres of land described below and depicted on map number 16430, which is made a part of this Order. The water may be diverted from the Loup River via the headgate of the Columbus-Genoa Canal located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 16 North, Range 4 West of the 6th P.M. in Nance County. The canal withdrawal point is located on the left bank of the canal in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 18 North, Range 2 West of the 6th P.M. in Platte 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 18 North, Range 2 West of the</u> <u>6th P.M. in Platte County</u>	<u>Acres</u>
Section 27: SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>12.5</u>
TOTAL	50.0

B. All terms and conditions of appropriation A-17889 remain in effect unless specifically changed by this Order.

4. Map number 17790 showing the land to be irrigated under appropriation A-17889B is APPROVED.

A. Appropriation A-17889B authorizes the use of water for irrigation of the 74.2 acres of land described below. The water may be diverted from the Loup River via the headgate of the Columbus-Genoa Canal located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 16 North, Range 4 West of the 6th P.M. in Nance County. The canal withdrawal points are located on right bank of the canal in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 18 North, Range 2 West of the 6th P.M. in Platte County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 437 acres irrigated at a maximum combined rate of 0.17 cfs from all points of diversion (76 gallons per minute).

Township 18 North, Range 2 West of the
6th P.M. in Platte County Acres

Section 27: SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.8
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.4
NE $\frac{1}{4}$ SW $\frac{1}{4}$	15.6
NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.4
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>11.0</u>
TOTAL	74.2

B. Appropriation A-17889B provides additional water to land approved for irrigation under appropriation A-8416.

C. All terms and conditions of appropriation A-17889 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

March 3, 2011


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 (4th Floor Nebraska State Office Building, 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 maps number 16430 and 17790 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and maps number 16430 and 17790 were mailed on March 3, 2011, to the following:

Deborah Svoboda, Trustee
Mila V. Loseke Trust
9555 18th Avenue
Columbus, Nebraska 68653