

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND APPROVAL OF EXPEDITED TRANSFER EXT-2064

FOR WATER APPROPRIATION A-3552

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3552 is held by Shiloh and Lacey L. Rager.
2. Appropriation A-3552 has a priority date of February 16, 1942, and authorizes the use of water for irrigation of the 47.5 acres of land described below. The water may be diverted from Mud (Beaver) Creek at a point of diversion on each bank of this stream in the S½NE¼ of Section 7, Township 12 North, Range 14 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 130 acres irrigated at a maximum combined rate of 0.37 cfs from all points of diversion.

<u>Township 12 North, Range 14 West of the 6th P.M. in Buffalo County</u>		<u>Acres</u>
Section 7:	SW¼NE¼	9.8
	SE¼NE¼	14.1
	NW¼SE¼	10.6
	NE¼SE¼	<u>13.0</u>
	TOTAL	47.5

3. On March 16, 2011, Shiloh and Lacey L. Rager filed application EXT-2064 for a permit for an expedited transfer of the location of use for 13.7 of the 47.5 acres under surface water appropriation A-3552.
4. On March 16, 2011, Shiloh and Lacey L. Rager filed relinquishment REL-2065 for a partial relinquishment of water under appropriation A-3552, for use on the land described below.

<u>Township 12 North, Range 14 West of the 6th P.M. in Buffalo County</u>		<u>Acres</u>
Section 7:	SW¼NE¼	9.8
	SE¼NE¼	8.0
	NW¼SE¼	10.6
	NE¼SE¼	<u>5.4</u>
	TOTAL	33.8

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-3552 at the rate of 0.26 cfs is CANCELLED for use on the land described below.

Township 12 North, Range 14 West of the 6 th P.M. in Buffalo County		Acres
Section 7:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	8.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.6
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>5.4</u>
	TOTAL	33.8

2. Application EXT-2064 for an expedited transfer of the location of use and map number 17787 are APPROVED.
3. Appropriation A-3552 through transfer EXT-2064 now authorizes the use of water to irrigate the 13.7 acres of land described below and depicted on map number 17787 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 12 North, Range 14 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed one cfs for every 130 acres irrigated at a maximum rate of 0.11 cfs (49 gallons per minute).

Township 12 North, Range 14 West of the 6 th P.M. in Buffalo County		Acres
Section 7:	SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.6</u>
	TOTAL	13.7

4. All terms and conditions of appropriation A-3552 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.

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 24, 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 map number 17787 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17787 were mailed on March 24, 2011, to the following:

Shiloh and Lacey L. Rager
40505 370th Road
Ravenna, NE 68869