

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2041 (T-1116)

FOR WATER APPROPRIATION A-8416

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8416 is held by the Mila V. Loseke Trust.
2. Appropriation A-8416 has a priority date of March 12, 1956, 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 0.89 cfs from all points of diversion (399 gallons per minute).

Township 18 North, Range 2 West of the	
<u>6th P.M. in Platte County</u>	
	Acres
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-2041 (T-1116) for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-8416 and map number 16429 showing the land proposed to be irrigated under appropriation A-8416 through transfer EXT-2041 (T-1116).

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2041 (T-1116) for a permit for an expedited transfer of the location of use and map number 16429 are APPROVED.
2. Appropriation A-8416 through transfer EXT-2041 (T-1116) authorizes the use of water to irrigate 74.2 acres of land described below and depicted on map number 16429, 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 points are located on the 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 cfs for every 83 acres irrigated at a maximum combined rate of 0.89 cfs from all points of diversion (399 gallons per minute). The total combined volume of both appropriations may not exceed 3 acre-feet per irrigated acre per year.

Township 18 North, Range 2 West of the	
<u>6th P.M. in Platte County</u>	
	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

3. Appropriation A-17889 through transfer EXT-2042 (T-1117) provides additional water to land approved for irrigation under appropriation A-8416 through transfer EXT-2041 (T-1116).
4. All terms and conditions of appropriation A-8416 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

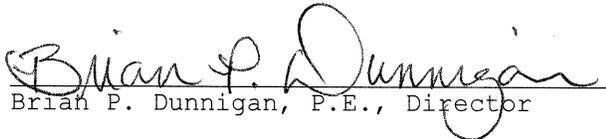
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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 map number 16429 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 16429 were mailed on March 3, 2011, to the following:

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