STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2230 FOR WATER APPROPRIATION A-8996

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8996 is held by Kleine Farms, Inc.

2. Appropriation A-8996 has a priority date of November 24, 1956, and authorizes the use of water for irrigation of the 106.0 acres of land described below. The water may be diverted from Big Sandy Creek at points of diversion located on the right bank of the stream in the SW¼NE¼ and the NE¼SE¼ of Section 17, Township 3 North, Range 1 East of the 6th P.M. in Jefferson County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.51 cfs from all points of diversion (678 gallons per minute).

Township 3 North, Range 1 East of the 6th P.M. in Jefferson County		Acres
Section 17:	SW¼NE¼	9.0
	NW¼SE¼	40.0
	NE¼SE¼	23.0
	SE¼SE¼	34.0
	TOTAL	106.0

3. On November 29, 2011, Kenneth D. Milius, on behalf of Kleine Farms, Inc., filed application EXT-2230 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-8996.

4. On December 29, 2011, La Verne Kleine, on behalf of Kleine Farms, Inc., filed map number 18008 showing the land proposed to be irrigated under appropriation A-8996 through transfer EXT-2230.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2230 for a permit for an expedited transfer of the location of use and map number 18008 are APPROVED.

2. Appropriation A-8996 through transfer EXT-2230 authorizes the use of water to irrigate 106.0 acres of land described below and depicted on map number 18008, which is made a part of this Order. The water may be diverted from Big Sandy Creek at points of diversion located on the right bank of the stream in the SW¼NE¼ and the NE¼SE¼ of Section 17, Township 3 North, Range 1 East of the 6th P.M. in Jefferson County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.51 cfs from all points of diversion (678 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 3 North, Range 1 East of the 6th P.M. in Jefferson County		Acres
Section 17:	SW¼NE¼	8.7
	NW¼SE¼	38.6
	NE¼SE¼	27.9
	SE¼SE¼	30.8
	TOTAL	106.0

3. All terms and conditions of appropriation A-8996 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 20, 2012

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 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 18008 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18008 were mailed on January 20, 2012, to the following:

Kleine Farms, Inc.
c/o La Verne Kleine
226 West 4th
Fairbury, Nebraska 68352

Kenneth D. Milius
56245 717th Road
Fairbury, Nebraska 68352