

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4647 FOR WATER APPROPRIATION A-11047

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11047 is held by Carma James.
2. Appropriation A-11047 has a priority date of February 23, 1967, and authorizes the use of water for irrigation of the 151.4 acres of land described below. The water may be diverted from the Niobrara River at points of diversion located on the left bank of the stream in Lot 2 of Section 30 and Lot 7 of Section 19, both in Township 32 North, Range 19 West of the 6<sup>th</sup> P.M. in Keya Paha 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 2.16 cfs from all points of diversion.

<u>Township 32 North, Range 19 West of the</u>		
<u>6<sup>th</sup> P.M. in Keya Paha County</u>		<u>Acres</u>
Section 19:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.2
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	22.6
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	29.3
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.5
	Lot 6	18.1
	Lot 7	22.4
Section 20:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>9.5</u>
	TOTAL	151.4

3. On April 16, 2013, Carma James filed application EXT-4647 for a permit for an expedited transfer of the location of use and map number 18332 showing the land proposed to be irrigated under appropriation A-11047 through transfer EXT-4647.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4647 for a permit for an expedited transfer of the location of use and map number 18332 are APPROVED.

2. Appropriation A-11047 through transfer EXT-4647 authorizes the use of water to irrigate 151.4 acres of land described below and depicted on map number 18332, which is made a part of this Order. The water may be diverted from the Niobrara River at points of diversion located on the left bank of the stream in Lot 2 of Section 30 and Lot 7 of Section 19, both in Township 32 North, Range 19 West of the 6<sup>th</sup> P.M. in Keya Paha County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 2.16 cfs from all points of diversion (969 gallons per minute). The total combined volume of all appropriations may not exceed three acre-feet per irrigated acre per year.

<u>Township 32 North, Range 19 West of the</u>		
<u>6<sup>th</sup> P.M. in Keya Paha County.</u>		<u>Acres</u>
Section 19:	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	29.0
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	19.1
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	22.1
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	25.2
	Lot 6 (SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> )	18.1
	Lot 7 (SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> )	22.4
Section 20:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	6.0
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>9.5</u>
	TOTAL	151.4

3. All terms and conditions of appropriation A-11047 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

September 5, 2013

  
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, 4<sup>th</sup> 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 18330 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18322 were mailed on September 5, 2013, to the following:

Carma James  
44567 Riverview Road  
Springview, Nebraska 68778