

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2087 FOR WATER APPROPRIATION A-15645

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15645 is held by Anita L. Pedersen.
2. Appropriation A-15645 has a priority date of May 8, 1980, and authorizes the use of water for irrigation of the 51.0 acres of land described below. The water may be diverted from Deer Creek at a point of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 13 North, Range 12 West of the 6th P.M. in Howard County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.73 cfs (328 gallons per minute).

Township 13 North, Range 12 West of the 6 th P.M. in Howard County	Acres
Section 21: SE $\frac{1}{4}$ SW $\frac{1}{4}$	14.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>15.0</u>
TOTAL	51.0

3. On April 20, 2011, Anita L. Pedersen filed application EXT-2087 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-15645 and map number 17839 showing the land proposed to be irrigated under appropriation A-15645 through transfer EXT-2087.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2087 for a permit for an expedited transfer of the location of use and map number 17839 are APPROVED.

2. Appropriation A-15645 through transfer EXT-2087 authorizes the use of water to irrigate 51.0 acres of land described below and depicted on map number 17839, which is made a part of this Order. The water may be diverted from Deer Creek at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 13 North, Range 12 West of the 6th P.M. in Howard County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 0.73 cfs from all points of diversion (328 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 13 North, Range 12 West of the 6th P.M. in Howard County</u>		<u>Acres</u>
Section 21: SE $\frac{1}{4}$ SW $\frac{1}{4}$		21.7
SW $\frac{1}{4}$ SE $\frac{1}{4}$		18.7
SE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>10.6</u>
TOTAL		51.0

3. All terms and conditions of appropriation A-15645 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

June 16, 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 17839 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17839 were mailed on June 16, 2011, to the following:

Anita L. Pedersen
306 9th Street
Boelus, Nebraska 68820