STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER COMBINING APPROPRIATIONS A-2893A and A-2893B AND APPROVAL OF EXPEDITED TRANSFERS EXT-2107 and EXT-2108

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriations A-2893A and A-2893B are held by Bradley E. Cromwell.

2. Appropriation A-2893A has a priority date of October 27, 1938, and authorizes the use of water for irrigation of the 121 acres of land described below. The water may be diverted from Beaver Creek at a point of diversion located on the left bank of the stream in the SW¼SW¼ of Section 14, Township 17 North, Range 4 West of the 6th P.M. in Nance County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 245 acres irrigated at a maximum rate of 0.50 cfs (224 gallons per minute).

Township 17 North, Range 4 West of the 6th P.M. in Nance County		Acres
Section 14:	NW¼SW¼	27.7
	NE¼SW¼	30.9
	SW¼SW¼	35.2
	SE¼SW¼	27.2
	TOTAL	121.0

3. Appropriation A-2893B has a priority date of October 27, 1938, and authorizes the use of water for irrigation of the 38.8 acres of land described below. The water may be diverted from Beaver Creek at a point of diversion located on the right bank of the stream in the NE¼NW¼ of Section 23, Township 17 North, Range 4 West of the 6th P.M. in Nance County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 245 acres irrigated at a maximum rate of 0.15 cfs (67 gallons per minute).

Township 17 North, Range 4 West of the 6th P.M. in Nance County		Acres
Section 14:	NW¼NW¼	1.8
	NE¼NW¼	27.5
	SW¼NW¼	0.3
	SE¼NW¼	9.2
	TOTAL	38.8

4. On May 17, 2011, Bradley E. Cromwell filed application EXT-2107 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-2893A.

5. On May 17, 2011, Bradley E. Cromwell filed application EXT-2108 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-2893B.

6. On May 17, 2011, Bradley E. Cromwell filed map number 17861 showing the land proposed to be irrigated under appropriation A-2893 through transfers EXT-2107 and EXT-2108.

ORDER

IT IS HEREBY ORDERED:

1. Appropriations A-2983A and A-2983B are combined into a single appropriation A-2983.

2. Applications EXT-2107 and EXT-2108 for permits for an expedited transfer of the location of use and map number 17861 are APPROVED.

3. Appropriation A-2893, through transfers EXT-2107 and EXT-2108, authorizes the use of water to irrigate 159.8 acres of land described below and depicted on map number 17861, which is made a part of this Order. The water may be diverted from Beaver Creek at points of diversion located on both banks of the stream in the SW¼SW¼ of Section 14 and the NE¼NW¼ of Section 23 both in Township 17 North, Range 4 West of the 6th P.M. in Nance County. The rate that water may be diverted shall not exceed one cfs for every 245 acres irrigated at a maximum combined rate of 0.65 cfs from all points of diversion (292 gallons per minute).

Township 17 North, Range 4 West of the 6th P.M. in Nance County		Acres
Section 14:	NW¼SW¼	27.7
	NE¼SW¼	30.9
	SW¼SW¼	35.2
	SE¼SW¼	25.2
Section 23:	NW¼NW¼	11.6
	NE¼NW¼	24.8
	SW¼NW¼	0.6
	SE¼NW¼	3.8
	TOTAL	159.8

4. Appropriation A-2893 has additional water provided by appropriation A-17723.

5. All terms and conditions of appropriation A-2893, A-2893A, and A-2893B remain in effect unless specifically changed by this Order.

6. 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

July 22, 2011

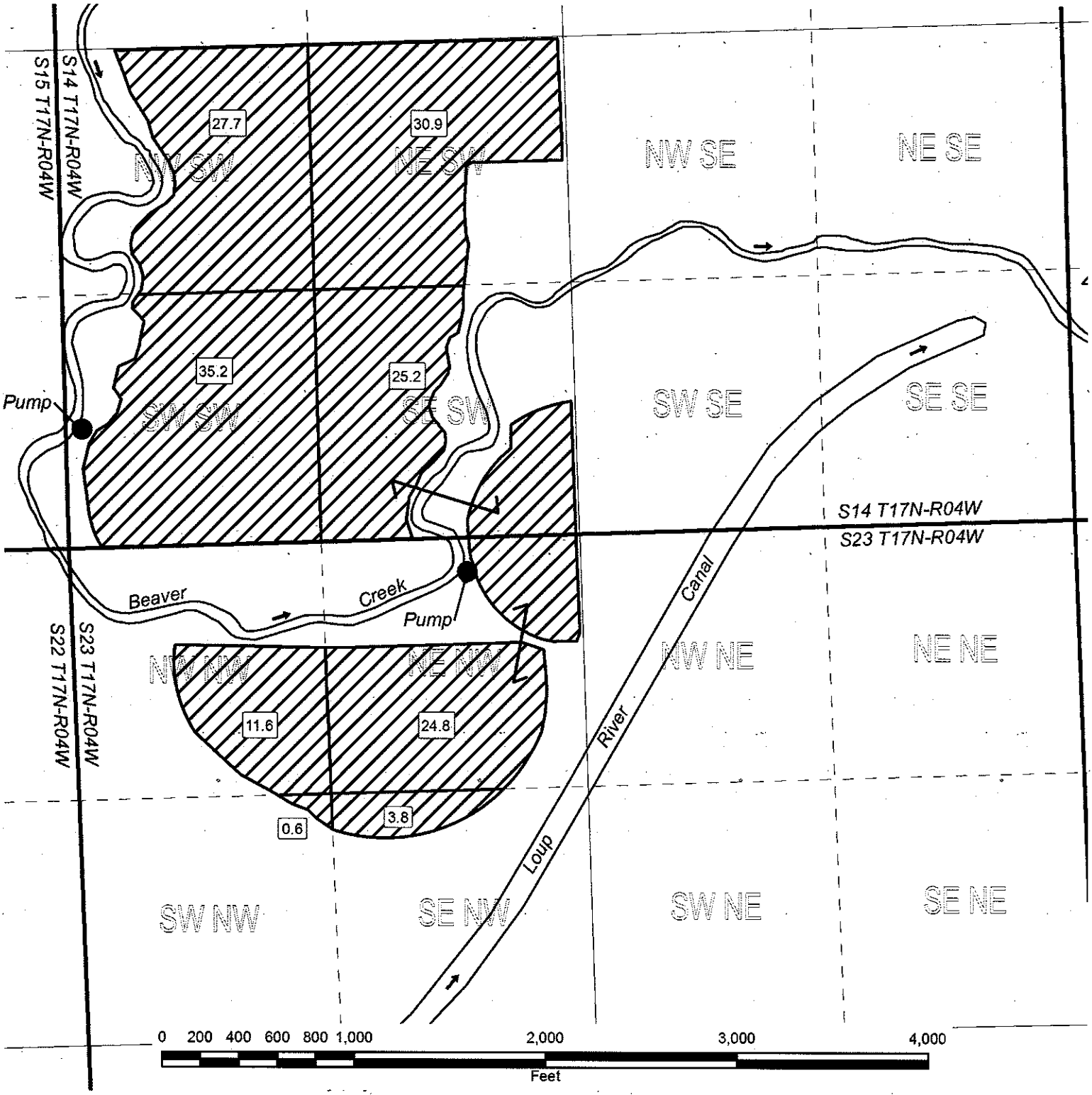
Brian P. Dunnigan, P.E., Director

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 17861 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 17861 were mailed on July 22, 2011, to the following:

Bradley E. Cromwell
P.O. Box 73
Genoa, NE 68640

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES



Section(s): 14 & 23 Township: 17N Range: 04W County: Nance Page 1 of 1

I certify that this map accurately represents the project proposed by Application No. EXT- 2107 EXT- 2108 (A-2893)

Date: 5-16-11 Signature: Bradley E. Crouch

FOR DEPARTMENT USE ONLY

Map No. 17861 (ID #12701)

Date Filed: May 17, 2011

Approved by Order Dated: JUL 22 2011

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

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Feet

EXT- 2107 EXT- 2108

A-2893

1999 Aerial Photography