STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2129 FOR WATER APPROPRIATION A-3290

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3290 is held by River Park Ranch, Inc.

2. Appropriation A-3290 has a priority date of October 11, 1940, and authorizes the use of water for irrigation of the 27.4 acres of land described below. The water may be diverted from the South Loup River at a point of diversion located on the north bank of the stream in the NE¼NW¼ of Section 13, Township 14 North, Range 21 West of the 6th P.M. in Custer County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 100 acres irrigated at a maximum rate of 0.27 cfs (121 gallons per minute).

Township 14 North, Range 21 West of the 6th P.M. in Custer County		Acres
Section 12:	SW¼SE¼	12.7
	SE¼SE¼	14.7
	TOTAL	27.4

3. On June 20, 2011, Gary Henning, on behalf of River Park Ranch, Inc., filed application EXT-2129 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-3290 and map number 17885 showing the land proposed to be irrigated under appropriation A-3290 through transfer EXT-2129.

4. The appropriator requested that the land appurtenant to appropriation A-3290 through transfer EXT-2129 be decreased **from** 27.4 acres at a rate of one cfs for every 100 acres **to** 18.9 acres at a rate of one cfs for every 70 acres at a maximum rate of 0.27 cfs.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2129 for a permit for an expedited transfer of the location of use and map number 17885 are APPROVED.

2. Appropriation A-3290 through transfer EXT-2129 authorizes the use of water to irrigate the 18.9 acres of land described below and depicted on map number 17885, which is made a part of this Order. The water may be diverted from the South Loup River at a point of diversion located on the left bank of the stream in the NE¼NW¼ of Section 13, Township 14 North, Range 21 West of the 6th P.M. in Custer County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.27 cfs (121 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 14 North, Range 21 West of the 6th P.M. in Custer County		Acres
Section 12:	SW¼SE¼	6.1
Section 13:	NW¼NE¼	11.8
	NE¼NE¼	1.0
	TOTAL	18.9

3. All terms and conditions of appropriation A-3290 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 13, 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 (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 17885 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17885 were mailed on September 13, 2011, to the following:

River Park Ranch, Inc.
c/o Gary Henning
P.O. Box 309
Kearney, Nebraska 68848

River Park Ranch, Inc.
c/o Tom Henning
P.O. Box 309
Kearney, Nebraska 68848