

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2273 FOR WATER APPROPRIATION A-11282

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11282 is held by Donald L. Wagner.
2. Appropriation A-11282 has a priority date of December 8, 1967, and authorizes the use of water for irrigation of the 22.0 acres of land described below. The water may be diverted from Dane Creek at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 1, Township 18 North, Range 15 West of the 6<sup>th</sup> P.M. in Valley County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.31 cfs (139 gallons per minute).

Township 18 North, Range 15 West of the  
6<sup>th</sup> P.M. in Valley County Acres

Section 1:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.5
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>21.5</u>
	TOTAL	22.0

3. On February 13, 2012, Donald L. Wagner filed application EXT-2273 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-11282.
4. On February 27, 2012, Donald L. Wagner filed map number 18058 showing the land proposed to be irrigated under appropriation A-11282 through transfer EXT-2273.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2273 for a permit for an expedited transfer of the location of use and map number 18058 are APPROVED.

2. Appropriation A-11282 through transfer EXT-2273 authorizes the use of water to irrigate 22.0 acres of land described below and depicted on map number 18058, which is made a part of this Order. The water may be diverted from Dane Creek at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 1, Township 18 North, Range 15 West of the 6<sup>th</sup> P.M. in Valley County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.31 cfs (139 gallons per minute).

Township 18 North, Range 15 West of the  
6<sup>th</sup> P.M. in Valley County

	Acres
Section 1: NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.6
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.1
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>10.3</u>
TOTAL	22.0

3. All terms and conditions of appropriation A-11282 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

May 3, 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, 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 18058 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18058 were mailed on May 3, 2012, to the following:

Donald L. Wagner  
RR 3 Box 55  
Ord, Nebraska 68862