

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2441 AND PETITION FOR A CHANGE IN THE
LOCATION OF DIVERSION RLP-2447 FOR WATER APPROPRIATION A-15549A

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15549A is held by Kerwin Elting.
2. Appropriation A-15549A has a priority date of August 13, 1979, and authorizes the use of water for irrigation of the 94.0 acres of land described below. The water may be diverted from the Little Blue River at points of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, both in Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.67 cfs from all points of diversion (301 gallons per minute).

Township 4 North, Range 7 West of the 6 th P.M. in Nuckolls County		Acres
Section 11:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	24.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>37.0</u>
	TOTAL	94.0

3. On November 13, 2012, Kerwin Elting filed application EXT-2441 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-15549A.
4. On November 27, 2012, Kerwin Elting filed map number 18357 showing the land proposed to be irrigated under appropriation A-15549A through transfer EXT-2441, and the location of the proposed pump site and the land to be irrigated under appropriation A-15549A in anticipation of the filing a petition for a permit to change the location of diversion.
5. On November 29, 2012, Kerwin Elting filed petition RLP-2447 for a permit to change the location of diversion for appropriation A-15549A from the above mentioned points to a point on the right bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County.
6. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2441 for a permit for an expedited transfer of the location of use, petition RLP-2447 for a petition for a permit to change the location of diversion, and map number 18357 are APPROVED.
2. Appropriation A-15549A through petition RLP-2447 is now A-15549AR.
3. Appropriation A-15549AR through transfer EXT-2441 authorizes the use of water to irrigate 94.0 acres of land described below and depicted on map number 18357, which is made a part of this Order. The water may be diverted from the Little Blue River at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.67 cfs (301 gallons per minute). The total combined volume of all appropriations may not exceed 3 acre-feet per irrigated acre per year.

Township 4 North, Range 7 West of the
6th P.M. in Nuckolls County Acres

Section 11: NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.3
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28.3
SW $\frac{1}{4}$ SW $\frac{1}{4}$	18.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>11.8</u>
TOTAL	94.0

4. Appropriation A-15549AR through transfer EXT-2441 provides additional water to land approved for irrigation under appropriation A-6016AR through transfer EXT-2440.
5. All terms and conditions of appropriation A-15549 and A-15549A remain in effect unless specifically changed by this Order.
6. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
7. 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 16, 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, 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 18357 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18357 were mailed on July 16, 2013, to the following:

Kerwin Elting
4383 Road W
Edgar, Nebraska 68935