

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF NON-EXPEDITED TRANSFER NEX-5069 FOR WATER APPROPRIATION A-13014R

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13014R is held by Eunice B. Shoemaker.
2. Appropriation A-13014R has a priority date of April 5, 1974, and authorizes the use of water for irrigation of the 90.0 acres of land described below. The water may be diverted from the South Loup River at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 13 North, Range 19 West of the 6th P.M. and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 13 North, Range 18 West of the 6th P.M., both in Custer County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 105 acres irrigated at a maximum combined rate of 0.86 cfs from all points of diversion.

Township 13 North, Range 19 West of the 6 th P.M. in Custer County		Acres
Section 24:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>20.0</u>
	TOTAL	90.0

3. On May 7, 2014, the Department received an agreement signed by Eunice Shoemaker, Lessor, and Darrel and Joyce Entz, Lessees, in which Lessor agrees to a temporary transfer of a portion of appropriation A-13014R onto Lessee's land located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25, Township 13 North, Range 19 West of the 6th P.M. in Custer County. The term of the lease is for ten years from March 1, 2014, to February 28, 2024.
4. On May 12, 2014, Eunice Shoemaker and Darrel Entz filed application NEX-5069 in the Department for a permit for a temporary non-expedited transfer of the location of use for 89.0 acres of the 90.0 acres of land authorized to be irrigated by appropriation A-13014R and map number 18877 showing the land proposed to be irrigated under appropriation A-13014R through temporary transfer NEX-5069.

5. On May 12, 2014, Eunice Shoemaker filed REL-5067 relinquishing a portion of the water under appropriation A-13014R, for use on the land described below.

<u>Township 13 North, Range 19 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 24: SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-13014R at the rate of 0.01 cfs is CANCELLED for use on the land described below.

<u>Township 13 North, Range 19 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 24: SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0

2. Application NEX-5069 for a permit for a temporary non-expedited transfer of the location of use and map number 18877 are APPROVED.
3. Appropriation A-13014R through temporary transfer NEX-5069 authorizes the use of water to irrigate 89.0 acres of land described below and depicted on map number 18877, which is made a part of this Order. The water may be diverted from the South Loup River at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 13 North, Range 19 West of the 6th P.M. and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 13 North, Range 18 West of the 6th P.M. in Custer County, as depicted on map number 18877. Water diverted shall not exceed the ratio of one cfs for every 105 acres irrigated at a maximum combined rate of 0.85 cfs from all points of diversion (381 gallons per minute). The total volume may not exceed three acre-feet per irrigated acre per year.

<u>Township 13 North, Range 19 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 24: SE $\frac{1}{4}$ SW $\frac{1}{4}$	25.4
SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.6
SE $\frac{1}{4}$ SE $\frac{1}{4}$	15.2
Section 25: NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.3
NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.4
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>0.1</u>
TOTAL	89.0

4. All terms and conditions of appropriation A-13014 and A-13014R remain in effect unless specifically changed by this Order.

5. This temporary transfer of a portion of appropriation A-13014R EXPIRES February 28, 2024, and appropriation A-13014R will revert back to irrigate land located in Section 24, Township 13 North, Range 19 West of the 6th P.M. in Custer County, as described in item two on page one of this Order and depicted on map number 18150, without further action by the Department as of that date.
6. Upon notification by the Lessor that the agreement has been extended beyond February 28, 2024, this temporary transfer may be extended to the statutory limit which is currently thirty years.
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 any change in the temporary agreement that would cause the Lessee to no longer have the right to occupy the property.
 - C. 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).
 - D. 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.
8. The appropriator must comply with the following deadlines:
 - A. Pursuant to *Nebraska Revised Statutes* § 46-268, the appropriator shall record the agreement with the Register of Deeds in Custer County. Failure to record the agreement may result in nullification of this temporary transfer approval.
 - B. The appropriator shall file with the Department a copy of the recorded agreement within six months of the signing date of this Order.

ADDITIONAL INFORMATION

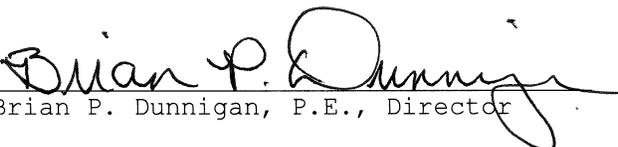
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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

November 21, 2014


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18877 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18877 mailed on November 21, 2014, to the following:

Eunice B. Shoemaker
407 Hale Street
Ansley, Nebraska 68814

Darrel and Joyce Entz
44939 Loup River Road
Mason City, Nebraska 68855