

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5139 FOR WATER APPROPRIATION A-13320

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13320 is held by Riverview LLP.
2. Appropriation A-13320 has a priority date of December 17, 1974, and authorizes the use of water for irrigation of the 1,806.0 acres of land described below. The water may be diverted from the Niobrara River at a point of diversion located on the south bank of the stream in the NW¹/₄SE¹/₄ of Section 3, Township 33 North, Range 15 West of the 6th P.M. in Holt 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 25.8 cfs.

<u>Township 33 North, Range 15 West of the 6th P.M. in Holt County</u>		<u>Acres</u>	<u>Township 33 North, Range 15 West of the 6th P.M. in Holt County</u>		<u>Acres</u>
Section 1:	SW ¹ / ₄ NE ¹ / ₄	1.0	Section 12:	NW ¹ / ₄ SW ¹ / ₄	12.0
	SE ¹ / ₄ NE ¹ / ₄	1.0		NE ¹ / ₄ SW ¹ / ₄	5.0
	NW ¹ / ₄ SE ¹ / ₄	35.0		SW ¹ / ₄ SW ¹ / ₄	12.0
	NE ¹ / ₄ SE ¹ / ₄	34.0		NE ¹ / ₄ SE ¹ / ₄	4.0
	SW ¹ / ₄ SE ¹ / ₄	31.0	Section 13:	NW ¹ / ₄ NW ¹ / ₄	33.0
	SE ¹ / ₄ SE ¹ / ₄	31.0		NE ¹ / ₄ NW ¹ / ₄	33.0
Section 11:	NW ¹ / ₄ SW ¹ / ₄	29.0		SW ¹ / ₄ NW ¹ / ₄	33.0
	NE ¹ / ₄ SW ¹ / ₄	33.0		SE ¹ / ₄ NW ¹ / ₄	33.0
	SW ¹ / ₄ SW ¹ / ₄	31.0		NW ¹ / ₄ NE ¹ / ₄	31.0
	SE ¹ / ₄ SW ¹ / ₄	34.0		NE ¹ / ₄ NE ¹ / ₄	33.0
	NW ¹ / ₄ SE ¹ / ₄	10.0		SW ¹ / ₄ NE ¹ / ₄	32.0
	NE ¹ / ₄ SE ¹ / ₄	34.0		SE ¹ / ₄ NE ¹ / ₄	32.0
	SW ¹ / ₄ SE ¹ / ₄	19.0	Section 14:	NW ¹ / ₄ NW ¹ / ₄	30.0
	SE ¹ / ₄ SE ¹ / ₄	40.0		NE ¹ / ₄ NW ¹ / ₄	30.0
Section 12:	NW ¹ / ₄ NW ¹ / ₄	12.0		SW ¹ / ₄ NW ¹ / ₄	33.0
	NE ¹ / ₄ NW ¹ / ₄	31.0		SE ¹ / ₄ NW ¹ / ₄	33.0
	SW ¹ / ₄ NW ¹ / ₄	20.0		NW ¹ / ₄ NE ¹ / ₄	31.0
	SE ¹ / ₄ NW ¹ / ₄	40.0		NE ¹ / ₄ NE ¹ / ₄	34.0
	NW ¹ / ₄ NE ¹ / ₄	22.0		SW ¹ / ₄ NE ¹ / ₄	33.0
	NE ¹ / ₄ NE ¹ / ₄	34.0		SE ¹ / ₄ NE ¹ / ₄	33.0
	SW ¹ / ₄ NE ¹ / ₄	32.0			
	SE ¹ / ₄ NE ¹ / ₄	40.0			

Township 33 North, Range 15 West of the
6th P.M. in Holt County

	Acres
Section 14: NW ¹ / ₄ SW ¹ / ₄	31.0
NE ¹ / ₄ SW ¹ / ₄	29.0
SW ¹ / ₄ SW ¹ / ₄	33.0
SE ¹ / ₄ SW ¹ / ₄	32.0
NW ¹ / ₄ SE ¹ / ₄	34.0
NE ¹ / ₄ SE ¹ / ₄	32.0
SW ¹ / ₄ SE ¹ / ₄	30.0
SE ¹ / ₄ SE ¹ / ₄	29.0

Township 33 North, Range 14 West of the
6th P.M. in Holt County

	Acres
Section 6: NW ¹ / ₄ NW ¹ / ₄	32.0
NE ¹ / ₄ NW ¹ / ₄	32.0
SW ¹ / ₄ NW ¹ / ₄	31.0
SE ¹ / ₄ NW ¹ / ₄	32.0

Township 33 North, Range 14 West of the
6th P.M. in Holt County

	Acres
Section 6: NW ¹ / ₄ SW ¹ / ₄	34.0
NE ¹ / ₄ SW ¹ / ₄	34.0
SW ¹ / ₄ SW ¹ / ₄	32.0
SE ¹ / ₄ SW ¹ / ₄	31.0
Section 6: NW ¹ / ₄ SE ¹ / ₄	34.0
NE ¹ / ₄ SE ¹ / ₄	33.0
SW ¹ / ₄ SE ¹ / ₄	32.0
SE ¹ / ₄ SE ¹ / ₄	33.0
Section 7: NW ¹ / ₄ NW ¹ / ₄	9.0
SW ¹ / ₄ NW ¹ / ₄	13.0

TOTAL 1,806.0

3. On August 18, 2014, Brad Fehr, on behalf of Riverview LLP, filed application EXT-5139 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-13320 and map number 18842 showing the land proposed to be irrigated under appropriation A-13320 through transfer EXT-5139.

ORDER

IT IS HEREBY ORDERED:

- Application EXT-5139 for a permit for an expedited transfer of the location of use and map number 18842 are APPROVED.
- Appropriation A-13320 through transfer EXT-5139 authorizes the use of water to irrigate 1,806.0 acres of land described below and depicted on map number 18842, which is made a part of this Order. The water may be diverted from the Niobrara River at a point of diversion located on the right bank of the stream in the NW¹/₄SE¹/₄ of Section 3, Township 33 North, Range 15 West of the 6th P.M. in Holt County, as depicted on map number 18842. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 25.8 cfs (11,579 gallons per minute). The total volume may not exceed three acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 33 North, Range 15 West of the
6th P.M. in Holt County

	Acres
Section 1: NW ¹ / ₄ SE ¹ / ₄	31.1
NE ¹ / ₄ SE ¹ / ₄	30.2
SW ¹ / ₄ SE ¹ / ₄	29.8
SE ¹ / ₄ SE ¹ / ₄	28.9

Township 33 North, Range 15 West of the
6th P.M. in Holt County

	Acres
Section 11: SW ¹ / ₄ NW ¹ / ₄	0.2
SE ¹ / ₄ NW ¹ / ₄	0.3

Township 33 North, Range 15 West of the
6th P.M. in Holt County

		Acres
Section 11:	NW ¹ / ₄ SW ¹ / ₄	31.2
	NE ¹ / ₄ SW ¹ / ₄	32.9
	SW ¹ / ₄ SW ¹ / ₄	27.5
	SE ¹ / ₄ SW ¹ / ₄	28.9
	NW ¹ / ₄ SE ¹ / ₄	9.0
	NE ¹ / ₄ SE ¹ / ₄	37.6
	SW ¹ / ₄ SE ¹ / ₄	8.9
	SE ¹ / ₄ SE ¹ / ₄	36.8
Section 12:	NW ¹ / ₄ NW ¹ / ₄	12.7
	NE ¹ / ₄ NW ¹ / ₄	32.8
	SW ¹ / ₄ NW ¹ / ₄	18.2
	SE ¹ / ₄ NW ¹ / ₄	39.8
	NW ¹ / ₄ NE ¹ / ₄	20.8
	NE ¹ / ₄ NE ¹ / ₄	35.4
	SW ¹ / ₄ NE ¹ / ₄	26.3
	SE ¹ / ₄ NE ¹ / ₄	38.6
	NW ¹ / ₄ SW ¹ / ₄	14.2
	NE ¹ / ₄ SW ¹ / ₄	1.8
	SW ¹ / ₄ SW ¹ / ₄	13.6
	SE ¹ / ₄ SW ¹ / ₄	0.1
	NE ¹ / ₄ SE ¹ / ₄	0.2
Section 13:	NW ¹ / ₄ NW ¹ / ₄	31.1
	NE ¹ / ₄ NW ¹ / ₄	31.6
	SW ¹ / ₄ NW ¹ / ₄	28.6
	SE ¹ / ₄ NW ¹ / ₄	28.6
	NW ¹ / ₄ SW ¹ / ₄	31.2
	NE ¹ / ₄ SW ¹ / ₄	30.4
	SW ¹ / ₄ SW ¹ / ₄	29.8
	SE ¹ / ₄ SW ¹ / ₄	28.6
Section 14:	NW ¹ / ₄ NW ¹ / ₄	29.1
	NE ¹ / ₄ NW ¹ / ₄	29.7
	SW ¹ / ₄ NW ¹ / ₄	30.7
	SE ¹ / ₄ NW ¹ / ₄	30.4

Township 33 North, Range 15 West of the
6th P.M. in Holt County

		Acres
Section 14:	NW ¹ / ₄ NE ¹ / ₄	30.1
	NE ¹ / ₄ NE ¹ / ₄	31.2
	SW ¹ / ₄ NE ¹ / ₄	29.3
	SE ¹ / ₄ NE ¹ / ₄	29.3
	NW ¹ / ₄ SW ¹ / ₄	30.2
	NE ¹ / ₄ SW ¹ / ₄	30.5
	SW ¹ / ₄ SW ¹ / ₄	29.8
	SE ¹ / ₄ SW ¹ / ₄	29.5
	NW ¹ / ₄ SE ¹ / ₄	30.9
	NE ¹ / ₄ SE ¹ / ₄	30.4
	SW ¹ / ₄ SE ¹ / ₄	30.0
	SE ¹ / ₄ SE ¹ / ₄	28.7

Township 33 North, Range 14 West of the
6th P.M. in Holt County

		Acres
Section 6:	NW ¹ / ₄ NW ¹ / ₄	30.1
	NE ¹ / ₄ NW ¹ / ₄	29.1
	SW ¹ / ₄ NW ¹ / ₄	30.9
	SE ¹ / ₄ NW ¹ / ₄	30.9
	NW ¹ / ₄ SW ¹ / ₄	29.6
	NE ¹ / ₄ SW ¹ / ₄	31.0
	SW ¹ / ₄ SW ¹ / ₄	28.5
	SE ¹ / ₄ SW ¹ / ₄	30.9
	SE ¹ / ₄ SE ¹ / ₄	30.6
	NE ¹ / ₄ SE ¹ / ₄	30.8
	SW ¹ / ₄ SE ¹ / ₄	28.7
	SE ¹ / ₄ SE ¹ / ₄	30.0
Section 7:	NW ¹ / ₄ NW ¹ / ₄	6.3
	SW ¹ / ₄ NW ¹ / ₄	7.1
Section 18:	NW ¹ / ₄ NW ¹ / ₄	27.7
	NE ¹ / ₄ NW ¹ / ₄	33.5
	SW ¹ / ₄ NW ¹ / ₄	27.8
	SE ¹ / ₄ NW ¹ / ₄	33.4
	NW ¹ / ₄ NE ¹ / ₄	0.8
	SW ¹ / ₄ NE ¹ / ₄	0.8
	TOTAL	1,806.0

3. All terms and conditions of appropriation A-13320 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

November 25, 2014


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 18442 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18893 were mailed on November 25, 2014, to the following:

Brad Fehr
Riverview LLP
26406 470th Avenue
Morris, Minnesota 56267

Baldo Monasterio
89964 Fairview Road
Atkinson, Nebraska 68713