

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5538 AND MAP NUMBER 19388  
FOR WATER APPROPRIATION A-15240

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15240 is held by Elting 1950.
2. Appropriation A-15240 has a priority date of April 20, 1978, and authorizes the use of water for irrigation of the 110.0 acres of land described below. The water may be diverted from Elk Creek at a point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, Township 03 North, Range 06 West of the 6<sup>th</sup> P.M. in Nuckolls 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 1.57 cfs.

Township 03 North, Range 06 West of the 6 <sup>th</sup> P.M. in Nuckolls County		Acres
Section 11:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	28.6
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.4
Section 12:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	12.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>37.5</u>
TOTAL		110.0

3. On December, 29, 2015, Kerwin Elting, on behalf of Elting 1950, filed application EXT-5538 for a permit for an expedited transfer of the location of use and map number 19388 showing the land proposed to be irrigated under appropriation A-15240 through transfer EXT-5538.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5538 for a permit for an expedited transfer of the location of use and map number 19388 are APPROVED.

2. Appropriation A-15240 through transfer EXT-5538 authorizes the use of water to irrigate 110.0 acres of land described below and depicted on map number 19388, which is made a part of this Order. The water may be diverted from Elk Creek at a point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, Township 03 North, Range 06 West of the 6<sup>th</sup> P.M. in Nuckolls County, as depicted on map number 19388. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.57 cfs (705 gallons per minute). The total volume may not exceed 3 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 03 North, Range 06 West of the 6 <sup>th</sup> P.M. in Nuckolls County	Acres
Section 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$	22.9
NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.1
SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.3
SE $\frac{1}{4}$ SE $\frac{1}{4}$	36.7
TOTAL	110.0

3. All terms and conditions of appropriation A-15240 remain in effect unless specifically changed by this Order.
4. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
5. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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

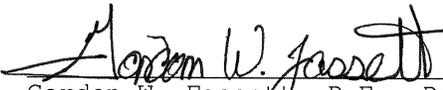
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

January 29, 2016

  
Gordon W. Fassett, 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 19388 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19388 were mailed on January 29, 2016, to the following:

Elting 1950  
c/o Kerwin Elting  
4383 Road W  
Edgar, NE 68935