

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4819 FOR WATER APPROPRIATION A-9408A

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9408A is held by Paul E. Folkerts.
2. Appropriation A-9408A has a priority date of March 27, 1957, and authorizes the use of water for irrigation of the 57.0 acres of land described below. The water may be diverted from the Little Blue River at points of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 4 North, Range 6 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 70 acres irrigated at a maximum combined rate of 0.81 cfs from all points of diversion.

Township 4 North, Range 6 West of the	
<u>6th P.M. in Nuckolls County</u>	
	Acres
Section 19: NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.0
Section 20: SW $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.2
NW $\frac{1}{4}$ SW $\frac{1}{4}$	18.8
NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>5.0</u>
TOTAL	57.0

3. On September 10, 2013, Paul E. Folkerts filed application EXT-4819 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-9408A and map number 18657 showing the land proposed to be irrigated under appropriation A-9408A through transfer EXT-4819.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4819 for a permit for an expedited transfer of the location of use and map number 18657 are APPROVED.

2. Appropriation A-9408A through transfer EXT-4819 authorizes the use of water to irrigate 57.0 acres of land described below and depicted on map number 18657, which is made a part of this Order. The water may be diverted from the Little Blue River at points of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.81 cfs from all points of diversion (364 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County</u>	<u>Acres</u>
Section 19: NW $\frac{1}{4}$ SE $\frac{1}{4}$	22.9
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>34.1</u>
TOTAL	57.0

3. All terms and conditions of appropriation A-9408 and A-9408A 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. 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

December 23, 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 18657 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18657 were mailed on December 23, 2013, to the following:

Paul E. Folkerts
5441 Road W
Carleton, Nebraska 68326