

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-5309 FOR WATER APPROPRIATION A-11987

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Jerome Reiman owns land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 34 North, Range 14 West of the 6th P.M. in Boyd County appurtenant to surface water appropriation A-11987.
2. Records on file in the Department show that Carl and Patty Williamson own land located in the W $\frac{1}{2}$ and NE $\frac{1}{4}$ of Section 15, Township 34 North, Range 14 West of the 6th P.M. in Boyd County appurtenant to surface water appropriation A-11987.
3. Appropriation A-11987 has a priority date of July 2, 1970, and authorizes the use of water for irrigation of the 444.0 acres of land described below. The water may be diverted from the Niobrara River at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 34 North, Range 14 West of the 6th P.M. in Boyd 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 6.34 cfs.

Township 34 North, Range 14 West of the 6 th P.M. in Boyd County		Acres
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Section 15:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	31.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>39.0</u>
	TOTAL	444.0

3. Appropriation A-11987 through transfer EXT-5309 authorizes the use of water to irrigate 407.3 acres of land described below and depicted on map number 19175, 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 left bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 34 North, Range 14 West of the 6th P.M. in Boyd County, as depicted on map number 19175. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 5.82 cfs (2,612 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 34 North, Range 14 West of the 6 th P.M. in Boyd County		Acres	
Section 10:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	9.1	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.2	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.9	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.3	
Section 15:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	32.3	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	20.3	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	32.2	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	18.3	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	28.8	
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	32.3	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	31.4	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.1	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33.3	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30.4	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.6	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	28.8	
	TOTAL		407.3

4. All terms and conditions of appropriation A-11987 remain in effect unless specifically changed by this Order.
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

June 24, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19175 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19175 mailed on June 24, 2015, to the following:

Jerome Reiman
47732 State Highway 12
Butte, Nebraska 68722

Carl and Patty Williamson
47678 State Highway 12
Butte, Nebraska 68722