

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5353 AND PETITION FOR A CHANGE IN THE
LOCATION OF DIVERSION RLP-5354 FOR WATER APPROPRIATION A-15708

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15708 is held by Shuck Drilling Company and Diamond Seven Corporation. The owners have filed an allowance for joint ownership for appropriation A-15708.
2. Appropriation A-15708 has a priority date of August 21, 1980, and authorizes the use of water for irrigation of the 94.0 acres of land described below. The water may be diverted from the Little Blue River at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, 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 rate of 1.34 cfs.

Township 4 North, Range 6 West of the
6th P.M. in Nuckolls County Acres

Section 18: NW $\frac{1}{4}$ NW $\frac{1}{4}$	35.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	24.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>19.0</u>
TOTAL	94.0

3. On June 3, 2015, Dale Shuck, on behalf of Shuck Drilling Company and Diamond Seven Corporation, filed application EXT-5353 for a permit for an expedited transfer of the location of use for appropriation A-15708.
4. On June 3, 2015, Dennis Shuck, on behalf of Shuck Drilling Company and Diamond Seven Corporation, filed petition RLP-5354 for a permit to add a point of diversion to the above mentioned points on the left bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County.
5. On July 14, 2015, Dennis Shuck filed map number 19300 showing the points of diversion and land proposed to be irrigated under appropriation A-15708 through transfer EXT-5353 and petition RLP-5354.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5353 for a permit for an expedited transfer of the location of use, petition RLP-5354 for a petition for a permit to change the location of diversion and map number 19300 are APPROVED.
2. Appropriation A-15708 through petition RLP-5354 is now A-15708R
3. Appropriation A-15708R through transfer EXT-5353 authorizes the use of water to irrigate 94.0 acres of land described below and depicted on map number 19300, which is made a part of this Order. The water may be diverted from the Little Blue River at points of diversion located in the NW¹/₄SW¹/₄ of Section 18, Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County, as depicted on map number 19300. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.34 cfs from all points of diversion (601 gallons per minute). The total combined 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.

<u>Township 4 North, Range 6 West of the</u>		
<u>6th P.M. in Nuckolls County</u>		<u>Acres</u>
Section 18:	NW ¹ / ₄ NW ¹ / ₄	29.8
	NE ¹ / ₄ NW ¹ / ₄	20.5
	SW ¹ / ₄ NW ¹ / ₄	26.8
	SE ¹ / ₄ NW ¹ / ₄	<u>16.9</u>
	TOTAL	94.0

4. All terms and conditions of appropriation A-15708 remain in effect unless specifically changed by this Order.
5. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
6. 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

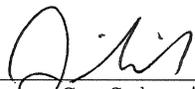
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

July 28, 2015



James C. Schneider, Ph.D.
Acting 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 19300 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19300 were mailed on July 28, 2015, to the following:

Dale Shuck
Shuck Drilling Company
1631 Road 3025
Edgar, Nebraska 68935

Dennis Shuck
ERC Farms
313 North C Street
Edgar, Nebraska 68935

Gary Shuck
Diamond Seven Corporation
1631 Road 3025
Edgar, Nebraska 68935