

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-5491

FOR WATER APPROPRIATION A-18444R

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18444 is held by William L. and Molly Hobbs and Charles W. Hobbs.
2. Appropriation A-18444R has a priority date of February 13, 2007, and authorizes the use of water for irrigation of the 829.0 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 NW¹/₄NE¹/₄ of Section 8, Township 33 North, Range 15 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 11.84 cfs.

<u>Township 33 North, Range 16 West of the</u>		<u>Township 33 North, Range 16 West of the</u>		
<u>6th P.M. in Boyd County</u>		<u>6th P.M. in Boyd County</u>		
	<u>Acres</u>		<u>Acres</u>	
Section 1:	NW ¹ / ₄ NW ¹ / ₄	29.0	Section 12: NW ¹ / ₄ NW ¹ / ₄	24.7
	NE ¹ / ₄ NW ¹ / ₄	32.6	NE ¹ / ₄ NW ¹ / ₄	29.2
	SW ¹ / ₄ NW ¹ / ₄	33.4	SW ¹ / ₄ NW ¹ / ₄	36.8
	SE ¹ / ₄ NW ¹ / ₄	36.6	SE ¹ / ₄ NW ¹ / ₄	39.0
	NW ¹ / ₄ NE ¹ / ₄	25.3	NW ¹ / ₄ NE ¹ / ₄	3.4
	NE ¹ / ₄ NE ¹ / ₄	34.7	NE ¹ / ₄ NE ¹ / ₄	7.8
	SW ¹ / ₄ NE ¹ / ₄	30.3	SW ¹ / ₄ NE ¹ / ₄	3.3
	SE ¹ / ₄ NE ¹ / ₄	38.0		
	NW ¹ / ₄ SW ¹ / ₄	26.3	NW ¹ / ₄ SW ¹ / ₄	6.3
	NE ¹ / ₄ SW ¹ / ₄	30.4	NE ¹ / ₄ SW ¹ / ₄	8.2
	SW ¹ / ₄ SW ¹ / ₄	35.1	<u>Township 33 North, Range 15 West of the</u>	
	SE ¹ / ₄ SW ¹ / ₄	37.9	<u>6th P.M. in Boyd County</u>	
				<u>Acres</u>
	NW ¹ / ₄ SE ¹ / ₄	21.2	Section 6: NW ¹ / ₄ NW ¹ / ₄	4.0
	NE ¹ / ₄ SE ¹ / ₄	32.7	SW ¹ / ₄ NW ¹ / ₄	5.8
	SW ¹ / ₄ SE ¹ / ₄	32.8		
	SE ¹ / ₄ SE ¹ / ₄	38.8	NW ¹ / ₄ SW ¹ / ₄	2.8
			SW ¹ / ₄ SW ¹ / ₄	<u>7.6</u>
Section 11:	NW ¹ / ₄ NE ¹ / ₄	33.8	TOTAL	829.0
	NE ¹ / ₄ NE ¹ / ₄	33.7		
	SW ¹ / ₄ NE ¹ / ₄	33.7		
	SE ¹ / ₄ NE ¹ / ₄	33.8		

3. On June 18, 2013, the Department approved application A-18444. The approval of application A-18444 was conditional upon construction completion of the project with two years of the signing date of the application approval.
4. On October 3, 2014, the Department approved petition RLP-4876 to change the location of diversion under appropriation A-18444. Appropriation A-18444 through petition RLP-4876 became A-18444R.
5. On June 18, 2015, Boyd W. Strobe, on behalf of William L. and Molly Hobbs and Charles William Hobbs filed petition EOT-5491 in the Department requesting an extension of time in which to complete construction. This petition was filed in a timely manner prior to the close of business on June 18, 2015. The reasonable cause stated in the petition requesting an extension of time for construction completion was that the appropriator is in negotiations with the Lower Niobrara Natural Resource District regarding a water holding facility which is an integral part of the facility.
6. *Nebraska Revised Statute* § 46-238(2) provides that the Department may extend, for reasonable lengths of time, the requirements for completing or perfecting an application as fixed in the approval of the application.

ORDER

IT IS HEREBY ORDERED:

1. Petition EOT-5491 for an extension of time in which to complete construction is hereby APPROVED.
2. The date by which construction shall be completed for appropriation A-18444R is extended to June 18, 2016.
3. All terms and conditions of appropriation A-18444 and A-18444R remain in effect unless specifically changed by this Order.

DEPARTMENT OF NATURAL RESOURCES

June 26, 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. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed on June 26, 2015, to the following:

William L. and Molly Hobbs
P.O. Box 368
Ewing, Nebraska 68735

Boyd W. Strobe
Strobe & Gotschall, PC, LLO
P.O. Box 858
O'Neill, Nebraska 68763

Charles William Hobbs
c/o William L. Hobbs
P.O. Box 368
Ewing, Nebraska 68735