STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5343,

PETITION RLP-5360 TO CHANGE THE LOCATION OF DIVERSION AND MAP 19226

WATER APPROPRIATION A-8935

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8935 is held by Russell P. and Judy R. Nelson.

2. Appropriation A-8935 has a priority date of October 26, 1956, and authorizes the use of water for irrigation of the 84.3 acres of land described below. The water may be diverted from Looking Glass Creek at points of diversion located on both banks of the stream in the SW¼NE¼ of Section 8, Township 17 North, Range 3 West of the 6th P.M. in Platte 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 1.20 cfs from all points of diversion.

Township 17 North, Range 3 West of the 6th P.M. in Platte County		Acres
Section 8:	SW¼NE¼	17.2
	SE¼NE¼	13.2
	NW¼SE¼	21.5
	NE¼SE¼	32.4
	TOTAL	84.3

3. On March 20, 2015, Russell P. and Judy R. Nelson filed application EXT-5343 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-8935.

4. On June 19, 2015, Russell P. and Judy R. Nelson filed petition RLP-5360 in the Department for a permit to add a location of diversion for appropriation A-8935 and map number 19226 showing the land proposed to be irrigated under appropriation A-8935 through transfer EXT-5343 and the location of the proposed pump site through petition RLP-5360.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-5360 for a permit to add a location of diversion for appropriation A-8935 is APPROVED.

2. Appropriation A-8935 through petition RLP-5360 is now A-8935R.

3. Application EXT-5343 for a permit for an expedited transfer of the location of use and map number 19226 are APPROVED.

4. Appropriation A-8935R through transfer EXT-5343 authorizes the use of water to irrigate 84.3 acres of land described below and depicted on map number 19226, which is made a part of this Order. The water may be diverted from Looking Glass Creek at points of diversion located on both banks of the stream in the SW¼NE¼ and NW¼SE¼ of Section 8, Township 17 North, Range 3 West of the 6th P.M. in Platte County, as depicted on map number 19226. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.20 cfs from all points of diversion (539 gallons per minute). The total combined volume of all appropriations 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 17 North, Range 3 West of the 6th P.M. in Platte County		Acres
Section 8:	SW¼NE¼	3.4
	SE¼NE¼	36.0
	NW¼SE¼	6.2
	NE¼SE¼	38.7
	TOTAL	84.3

5. All terms and conditions of appropriation A-8935 remain in effect unless specifically changed by this Order.

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 22, 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 19226 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 19226 were mailed on July 22, 2015, to the following:

Russell P. and Judy R. Nelson
43368 220th Street
Monroe, Nebraska 68647