

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5579

FOR WATER APPROPRIATION A-3806A AND MAP NUMBER 19466

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3806A is held by Robert L. and Terry L. Drake.
2. Appropriation A-3806A has a priority date of February 6, 1945, and authorizes the use of water for irrigation of the 16.6 acres of land described below. The water may be diverted from the Middle Loup River at a point of diversion located in Lot 4 of Section 23, Township 18 North, Range 17 West of the 6<sup>th</sup> P.M. in Custer County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 120 acres irrigated at a maximum rate of 0.14 cfs.

Township 18 North, Range 17 West of the  
6<sup>th</sup> P.M. in Custer County                      Acres

Section 23: Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )                      16.6

3. On February 22, 2016, Robert L. and Terry L. Drake filed application EXT-5579 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-3806A and map number 19466 showing the land proposed to be irrigated under appropriation A-3806A through transfer EXT-5579.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5579 for a permit for an expedited transfer of the location of use and map number 19466 are APPROVED.



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

March 16, 2016

  
Gordon W. Fassett, 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, 4<sup>th</sup> 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 19466 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19466 were mailed on March 16, 2016, to the following:

Robert L. and Terry L. Drake  
46331 804A Road  
Comstock, Nebraska 68828