

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5272 AND MAP NUMBER 19349

FOR WATER APPROPRIATION A-5010

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-5010 is held by Bruce and Vicki J. Troester.
2. Appropriation A-5010 has a priority date of August 11, 1952, and authorizes the use of water for irrigation of the 43.2 acres of land described below. The water may be diverted from the Niobrara River at a point of diversion located on the north bank of the stream in the NE¹/₄NE¹/₄ of Section 36, Township 29 North, Range 51 West of the 6th P.M. in Dawes 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 0.62 cfs.

<u>Township 29 North, Range 50 West of the 6th P.M. in Dawes County</u>	<u>Acres</u>
Section 30: NE ¹ / ₄ SW ¹ / ₄	22.7
NW ¹ / ₄ SE ¹ / ₄	9.7
NE ¹ / ₄ SE ¹ / ₄	<u>10.8</u>
TOTAL	43.2

3. On January 2, 2015, Bruce and Vicki J. Troester filed application EXT-5272 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-5010.
4. On January 12, 2016, Bruce Troester filed map number 19349 showing the land proposed to be irrigated under appropriation A-5010 through transfer EXT-5272.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5272 for a permit for an expedited transfer of the location of use and map number 19349 are APPROVED.

2. Appropriation A-5010 through transfer EXT-5272 authorizes the use of water to irrigate 43.2 acres of land described below and depicted on map number 19349, 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 29 North, Range 51 West of the 6th P.M. in Dawes County, as depicted on map number 19349. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.62 cfs (278 gallons per minute). The total 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.

Township 29 North, Range 50 West of the 6 th P.M. in Dawes County		Acres
Section 30:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.1
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	6.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.1
Section 31:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>3.3</u>
	TOTAL	43.2

3. All terms and conditions of appropriation A-5010 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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

February 18, 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, 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 19349 were provided to the Department's field offices in Bridgeport and Crawford, Nebraska. Copies of this Order and map number 19349 were mailed on February 18, 2016, to the following:

Bruce and Vicki J. Troester
3143 River Road
Marsland, Nebraska 69354