STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5585 FOR WATER APPROPRIATION A-7059B

AND MAP NUMBER 19480

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-7059B is held by Rick P. and Melissa R. Weber.

2. The Order dividing appropriation A-7059 into A-7059A, A-7059B, and A-7059C and approving applications T-779 and T-780 to transfer the location of use for portions of water under appropriation A-7059 assigned two points of diversion to A-7059B: one in **Lot 4 of Section 30**, the other in **Lot 4 of Section 29**, both in Township 33, Range 28 West of the 6th P.M. in Cherry County. However, the appropriator has indicated that the only active location of diversion for A-7059B is in **Lot 4 of Section 29**, of said legal description.

3. Appropriation A-7059B has a priority date of February 3, 1955, and authorizes the use of water for irrigation of the 44.5 acres of land described below. The water may be diverted from the Niobrara River at a point of diversion located in the Lot 4 of Section 29, Township 33 North, Range 28 West of the 6th P.M. in Cherry County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 95 acres irrigated at a maximum rate of 0.47 cfs.

Township 33 North, Range 28 West of the 6th P.M. in Cherry County		Acres
Section 29:	Lot 4	20.6
	Lot 3	23.9
	TOTAL	44.5

4. On March 10, 2016, Rick P. and Melissa R. Weber filed application EXT-5585 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-7059B and map number 19480 showing the land proposed to be irrigated under appropriation A-7059B through transfer EXT-5585.

5. Map number 19480 was prepared, using current mapping technology, showing the Department's forty acre government subdivisions. Therefore, the point of diversion is now located in the NW¼SW¼ of Section 29, Township 33 North, Range 28 West of the 6th P.M. in Cherry County and the location of irrigated land has been updated to reflect the Department's forty acre government subdivisions.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5585 for a permit for an expedited transfer of the location of use and map number 19480 are APPROVED.

2. Appropriation A-7059B through transfer EXT-5585 authorizes the use of water to irrigate 44.5 acres of land described below and depicted on map number 19480, 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 NW¼SW¼ of Section 29, Township 33 North, Range 28 West of the 6th P.M. in Cherry County, as depicted on map number 19480. Water diverted shall not exceed the ratio of one cfs for every 95 acres irrigated at a maximum rate of 0.47 cfs (211 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 33 North, Range 28 West of the 6th P.M. in Cherry County		Acres
Section 29:	SW¼NW¼	26.4
	SE¼NW¼	14.7
	NW¼SW¼	2.0
	NE¼SW¼	0.9
Section 30:	SE¼NE¼	0.5
	TOTAL	44.5

3. All terms and conditions of appropriation A-7059 and A-7059B 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

April 5, 2016

Gordon W. Fassett

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 19480 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19480 were mailed on April 5, 2016, to the following:

Rick P. and Melissa R. Weber
271 West Ridge Road
Valentine, Nebraska 69201