

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1584 FOR WATER APPROPRIATION A-10766

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface appropriation A-10766 is held by Richard R. Miles.
2. Appropriation A-10766 has a priority date of February 8, 1966, and authorizes the use of water for irrigation of the 123.8 acres of land described below. The water may be diverted from Otter Creek at a point of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 33 North, Range 16 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.77 cfs (794 gallons per minute).

Township 33 North, Range 16 West of the 6 th P.M. in Holt County		Acres
Section 32:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.3
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	18.6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.7
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.8
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>5.8</u>
	TOTAL	123.8

3. Richard R. Miles filed application EXT-1584 for a permit for an expedited transfer of the location of use requesting a transfer of the land authorized to be irrigated by appropriation A-10766.
4. On December 2, 2008, Richard R. Miles filed map number 17318 showing the land proposed to be irrigated under appropriation A-10766 through transfer EXT-1584.

Order

IT IS HEREBY ORDERED:

1. Application EXT-1584 for a permit for an expedited transfer of the location of use and map number 17318 are APPROVED.

2. Appropriation A-10766 through transfer EXT-1584 authorizes the use of water to irrigate 123.8 acres of land described below and depicted on map number 17318, which is made a part of this Order. The water may be diverted from Otter Creek at a point of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 33 North, Range 16 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.77 cfs (794 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 33 North, Range 16 West of the 6 th P.M. in Holt County		Acres
Section 32:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.6
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	18.4
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	5.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.5
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	16.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.0
	TOTAL	123.8

3. All terms and conditions of appropriation A-10766 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following.
- Notify the Department of any change in ownership or address.
 - 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).
 - 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 five consecutive years may result in cancellation of the appropriation.

