

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1591 FOR WATER APPROPRIATION A-11048

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-11048 is held by Lonnie A. Breiner.
2. Appropriation A-11048 has a priority date of February 27, 1967, and authorizes the use of water for irrigation of the 95.8 acres of land described below. The water may be diverted from Big Sandy Creek at a point of diversion located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 32 North, Range 15 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 1.37 cfs (615 gallons per minute).

Township 32 North, Range 15 West of the 6 th P.M. in Holt County		Acres
Section 34:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>23.1</u>
	TOTAL	95.8

3. Lonnie A. Breiner filed application EXT-1591 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-11048.
4. On December 3, 2008, Lonnie A. Breiner filed map number 17331 showing the land proposed to be irrigated under appropriation A-11048 through transfer EXT-1591.

Order

IT IS HEREBY ORDERED:

1. Application EXT-1591 for a permit for an expedited transfer of the location of use and map number 17331 are APPROVED.

2. Appropriation A-11048 through transfer EXT-1591 authorizes the use of water to irrigate 95.8 acres of land described below and depicted on map number 17331, which is made a part of this Order. The water may be diverted from Big Sandy Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 32 North, Range 15 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 1.37 cfs. The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 32 North, Range 15 West of the 6 th P.M. in Holt County		Acres
Section 34:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.3
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.7
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	27.7
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	35.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.3
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>16.7</u>
	TOTAL	95.8

3. All terms and conditions of appropriation A-11048 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.

