

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1673 FOR WATER APPROPRIATION A-11895

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11895 is held by Larry L. and Marilyn K. Frank.
2. Appropriation A-11895 has a priority date of March 26, 1970, and authorizes the use of water for irrigation of the 107.0 acres of land described below. The water may be diverted from the North Branch of Verdigre Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 1, Township 30 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox 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 1.53 cfs (687 gallons per minute).

Township 30 North, Range 8 West of the 6 <sup>th</sup> P.M. in Knox County		Acres
Section 1:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	16.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>19.0</u>
	TOTAL	107.0

3. On May 26, 2009, Larry L. and Marilyn K. Frank filed application EXT-1673 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-11895, and map number 17413 showing the land to be irrigated under appropriation A-11895 through application NEX-1673.

Order

IT IS HEREBY ORDERED:

1. Application EXT-1673 for a permit for an expedited transfer of the location of use and map number 17413 are APPROVED.

2. Appropriation A-11895 through transfer EXT-1673 authorizes the use of water to irrigate 107.0 acres of land described below and depicted on map number 17413, which is made a part of this Order. The water may be diverted from the North Branch of Verdigre Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 1, Township 30 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.53 cfs (687 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 30 North, Range 8 West of the 6 <sup>th</sup> P.M. in Knox County		Acres
Section 1:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	37.7
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	17.3
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	35.3
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	16.7
	TOTAL	107.0

3. All terms and conditions of appropriation A-11895 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.
  - 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.

