

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF NON-EXPEDITED TRANSFER NEX-2272 AND RELOCATION PETITION RLP-2325

FOR WATER APPROPRIATION A-2654

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2654 is held by Roy, Barbara, Stephen, and Melissa Johndreau.
2. Appropriation A-2654 has a priority date of November 6, 1936, and authorizes the use of water for irrigation of the 62.76 acres of land described below. The water may be diverted from the Niobrara River at points of diversion located on both banks of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 30 North, Range 44 West of the 6th P.M. in Sheridan County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.90 cfs from all points of diversion (404 gallons per minute).

Township 30 North, Range 44 West of the 6 th P.M. in Sheridan County		Acres
Section 29:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.63
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	6.95
Section 32:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	16.69
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>32.49</u>
TOTAL		62.76

3. On February 5, 2012, Stephen Johndreau filed application NEX-2272 for a permit for a non-expedited transfer of the location of use for land authorized to be irrigated by appropriation A-2654.
4. On March 20, 2012, Stephen Johndreau filed map number 18148 showing the land proposed to be irrigated under appropriation A-2654 through transfer NEX-2272.
5. On April 20, 2012, Stephen Johndreau filed petition RLP-2325 in the Department for a permit to change the location of diversion for appropriation A-2654.

ORDER

IT IS HEREBY ORDERED:

1. Application NEX-2272 for a permit for a non-expedited transfer of the location of use, petition RLP-2325 for a change in location of diversion and map number 18148 are APPROVED.
2. Appropriation A-2654 through petition RLP-2325 is now A-2654R.
3. Appropriation A-2654R through transfer NEX-2272 authorizes the use of water to irrigate 62.76 acres of land described below and depicted on map number 18148, 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 $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, Township 31 North, Range 42 West of the 6th P.M. in Sheridan County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.90 cfs (404 gallons per minute). The maximum volume may not exceed 71.13 acre-feet per year.

Township 31 North, Range 42 West of the 6 th P.M. in Sheridan County		Acres
Section 24:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.87
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.07
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	28.46
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>18.36</u>
	TOTAL	62.76

4. A measuring device approved by the Department is required.
5. All terms and conditions of appropriation A-2654 remain in effect unless specifically changed by this Order.
6. 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.

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

May 21, 2012


Brian P. Dunnigan, 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 18148 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 18148 were mailed on May 21, 2012, to the following:

Roy and Barbara Johndreau
1964 541st Trail
Gordon, Nebraska 69343

Stephen and Melissa Johndreau
1964 541st Trail
Gordon, Nebraska 69343