

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-6198 AND PETITION RLP-6263

FOR WATER APPROPRIATION A-9758B AND MAP NUMBER 19960

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9758B is held by C. Todd Cook.
2. Appropriation A-9758B has a priority date of September 8, 1959, and authorizes the use of water for irrigation of the 44.1 acres of land described below. The water may be diverted from the Keya Paha River at points of diversion located on both banks of the stream in Lot 03 of Section 03 and in Lot 10 of Section 04, both in Township 34 North, Range 18 West of the 6th P.M. in Keya Paha 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 0.63 cfs from all points of diversion.

<u>Township 34 North, Range 18 West of the 6th P.M. in Keya Paha County</u>	<u>Acres</u>
Section 03: Lot 10	21.7
Section 04: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Lot 10	17.6 <u>4.8</u>
TOTAL	44.1

3. On July 5, 2017, C. Todd Cook filed in the Department petition RLP-6263 for a permit to change the location of diversion, application EXT-6198 for a permit for an expedited transfer of the location of use and map number 19960 showing the proposed location of diversion and land to be irrigated under appropriation A-9758B through transfer EXT-6198.
4. On July 24, 2017, C. Todd Cook corrected filed petition RLP-6263 and map number 19960.
5. On August 1, 2017, C. Todd Cook corrected filed map number 19960 showing the location of the pump site through petition RLP-6263 and the land to be irrigated under appropriation A-9758B through EXT-6198.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-6263 for a permit to change the location of diversion for appropriation A-9758B is APPROVED.

2. Appropriation A-9758B through petition RLP-6263 is now A-9758BR.
3. Application EXT-6198 for a permit for an expedited transfer of the location of use and map number 19960 are APPROVED.
4. Appropriation A-9758BR through transfer EXT-6198 authorizes the use of water to irrigate 44.1 acres of land described below and depicted on map number 19960, which is made a part of this Order. The water may be diverted from the Keya Paha River at a point of diversion located on the left bank of the stream in Lot 06 of Section 03, Township 34 North, Range 18 West of the 6th P.M. in Keya Paha County, as depicted on map number 19960. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.63 cfs (283 gallons per minute). The total volume may not exceed three 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.

<u>Township 34 North, Range 18 West of the</u> <u>6th P.M. in Keya Paha County</u>	<u>Acres</u>
Section 02: Lot 10	7.7
Section 03: Lot 08	0.2
SE ¹ / ₄ NE ¹ / ₄	2.4
Lot 07	0.4
NE ¹ / ₄ SE ¹ / ₄	33.2
Lot 06	<u>0.2</u>
TOTAL	44.1

5. All terms and conditions of previous Orders for appropriation A-9758 and A-9758B remain in effect unless specifically changed by this Order.
6. 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

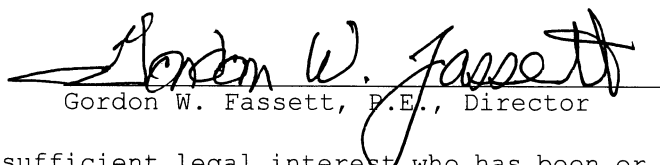
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected 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

August 14, 2017


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 19960 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19960 were mailed on August 14, 2017, to the following:

C. Todd Cook
90334 T & R Drive
Mills, Nebraska 68753