

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-7312 AND PETITION RLP-6321
TO ADD TWO LOCATIONS OF DIVERSION FOR WATER APPROPRIATION A-3221
AND MAP NUMBER 20381

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3221 is held by DW/R Farms II, LLC.
2. Appropriation A-3221 has a priority date of July 29, 1940, and authorizes the use of water for irrigation of the 102.9 acres of land described below. The water may be diverted from the Republican River at a point of diversion located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 01 North, Range 38 West of the 6th P.M. in Dundy County. Water diverted shall not exceed the ratio of one cubic feet per second (cfs) for every 85 acres irrigated at a maximum rate of 1.21 cfs.

<u>Township 01 North, Range 38 West of the</u>		
<u>6th P.M. in Dundy County</u>		<u>Acres</u>
Section 30:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.3
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.8
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>21.2</u>
	TOTAL	102.9

3. On May 7, 2019, Mike Roach, on behalf of DW/R Farms II, LLC, filed application EXT-7312 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-3221 and petition RLP-6321 for a permit to add locations of diversion for appropriation A-3221.
4. On May 20, 2019, Mike Roach filed map number 20381 showing the location of pump sites through petition RLP-6321 and land to be irrigated under appropriation A-3221 through transfer EXT-7312.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-7312 for a permit for an expedited transfer of the location of use, petition RLP-6321 for a permit to add two locations of diversion, and map number 20381 for appropriation A-3221 are APPROVED.
2. Appropriation A-3221 through transfer EXT-7312 authorizes the use of water to irrigate 102.9 acres of land described below and depicted on map number 20381, which is made a part of this Order. The water may be diverted from the Republican River through petition RLP-6321 at points of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, all in Township 01 North, Range 38 West of the 6th P.M. in Dundy County, as depicted on map number 20381. Water diverted shall not exceed the ratio of one cfs for every 85 acres irrigated at a maximum combined rate of 1.21 cfs from all points of diversion (543 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 01 North, Range 38 West of the</u>		
<u>6th P.M. in Dundy County</u>		<u>Acres</u>
Section 19:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.1
Section 30:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.9
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.4
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.1
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	38.4
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>27.9</u>
	TOTAL	102.9

3. All terms and conditions of appropriation A-3221 remain in effect unless specifically changed by this Order.
4. 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

May 31, 2019


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20381 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order and map number 20381 were mailed on May 31, 2019, to the following:

Mike Roach
DW/R Farms II, LLC
2723 East Irish Place
Centennial, Colorado 80122