

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF NON-EXPEDITED TRANSFER NEX-7889 FOR WATER APPROPRIATION A-4911

AND MAP NUMBER 20495

WATER DIVISION 2-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4911 is held by Justin R. and Carey Madsen.
2. Appropriation A-4911 has a priority date of September 24, 1951, and authorizes the use of water for irrigation of the 43.0 acres of land described below. The water may be diverted from Dead Horse Creek at points of diversion located on both banks of the stream in the SW $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 32, Township 33 North, Range 49 West of the 6<sup>th</sup> P.M. in Dawes 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 0.61 cfs from all points of diversion.

Township 33 North, Range 49 West of the	
<u>6<sup>th</sup> P.M. in Dawes County</u>	
	<u>Acres</u>
Section 32: NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>22.0</u>
TOTAL	43.0

3. On February 26, 2020, Justin R. Madsen filed application NEX-7889 for a change of appropriation (non-expedited transfer) for land authorized to be irrigated by appropriation A-4911.
4. On March 11, 2020, Justin R. Madsen filed map number 20495 showing the land proposed to be irrigated under appropriation A-4911 through transfer NEX-7889.

ORDER

IT IS HEREBY ORDERED:

1. Application NEX-7889 for a permit for a change of appropriation (non-expedited transfer) and map number 20495 are APPROVED.

2. Appropriation A-4911 through transfer NEX-7889 authorizes the use of water to irrigate 43.0 acres of land described below and depicted on map number 20495, which is made a part of this Order. The water may be diverted from Dead Horse Creek at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 07, Township 32 North, Range 49 West of the 6<sup>th</sup> P.M. in Dawes County, as depicted on map number 20495. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.61 cfs (273 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 32 North, Range 49 West of the</u> <u>6<sup>th</sup> P.M. in Dawes County</u>	<u>Acres</u>
Section 07: NE $\frac{1}{4}$ NE $\frac{1}{4}$	21.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>21.5</u>
TOTAL	43.0

3. All terms and conditions of appropriation A-4911 remain in effect unless specifically changed by this Order.
4. A measuring device, approved by the Department, may be required if so ordered by the Department.
5. 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

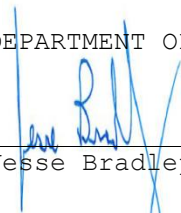
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Order may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative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

April 28, 2020

  
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Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20495 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 20495 were mailed on April 28, 2020, to the following:

Justin R. and Carey Madsen  
657 Deadhorse Road  
Chadron, Nebraska 69337

Jerry and Patricia Moss  
131 Nixon Road  
Chadron, Nebraska 69337