

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF NON-EXPEDITED TRANSFER NEX-9373 FOR WATER APPROPRIATION D-510R

AND MAP NUMBER 20801

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation D-510R is held by Ray T. Dout Ranch and Cattle, Inc.
2. Appropriation D-510R has a priority date of June 8, 1891, and authorizes the use of water for irrigation of the 67.6 acres of land described below. The water may be diverted from the Niobrara River at points of diversion located in the NE¹/₄SE¹/₄ of Section 20 and NW¹/₄SW¹/₄ of Section 21, both in Township 31 North, Range 57 West of the 6th P.M. in Sioux 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 0.96 cfs from all points of diversion.

<u>Township 31 North, Range 57 West of the</u>		
<u>6th P.M. in Sioux County</u>		<u>Acres</u>
Section 21:	SW ¹ / ₄ NW ¹ / ₄	2.2
	SE ¹ / ₄ NW ¹ / ₄	1.5
	NW ¹ / ₄ SW ¹ / ₄	11.8
	NE ¹ / ₄ SW ¹ / ₄	17.0
	SE ¹ / ₄ SW ¹ / ₄	8.6
	NW ¹ / ₄ SE ¹ / ₄	3.9
Section 28:	NE ¹ / ₄ NW ¹ / ₄	22.3
	SE ¹ / ₄ NW ¹ / ₄	<u>0.3</u>
	TOTAL	67.6

3. On April 26, 2021, Mike Wickersham, on behalf of Dout Ranch and Cattle, Inc, filed application NEX-9373 for a change of appropriation (non-expedited transfer) for land authorized to be irrigated by appropriation D-510R. The application requests the points of diversion be located in the NE¹/₄SE¹/₄ of Section 20 and the SE¹/₄SW¹/₄ of Section 21, both in Township 31 North, Range 57 West in Sioux County.
4. On September 8, 2021, Mike Wickersham corrected filed application NEX-9373 and filed map number 20801 showing the points of diversion and land proposed to be irrigated under appropriation D-510R through transfer NEX-9373.

ORDER

IT IS HEREBY ORDERED:

1. Application NEX-9373 for a permit for a change of appropriation (non-expedited transfer) and map number 20801 are APPROVED.
2. Appropriation D-510R through transfer NEX-9373 authorizes the use of water to irrigate 67.6 acres of land described below and depicted on map number 20801, which is made a part of this Order. The water may be diverted from the Niobrara River at points of diversion located on the left bank of the stream in the NW¹/₄SW¹/₄ and the right bank of the stream in the SE¹/₄SW¹/₄ of Section 21, Township 31 North, Range 57 West of the 6th P.M. in Sioux County, as depicted on map number 20801. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.96 cfs (430 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 31 North, Range 57 West of the</u>		
<u>6th P.M. in Sioux County</u>		<u>Acres</u>
Section 21:	SW ¹ / ₄ NW ¹ / ₄	3.2
	SE ¹ / ₄ NW ¹ / ₄	1.7
	NW ¹ / ₄ SW ¹ / ₄	8.8
	NE ¹ / ₄ SW ¹ / ₄	10.4
	SW ¹ / ₄ SW ¹ / ₄	0.1
	SE ¹ / ₄ SW ¹ / ₄	10.2
Section 28:	NW ¹ / ₄ NW ¹ / ₄	2.1
	NE ¹ / ₄ NW ¹ / ₄	30.0
	SE ¹ / ₄ NW ¹ / ₄	<u>1.1</u>
	TOTAL	67.6

3. All terms and conditions of previous orders for appropriation D-510 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



September 28, 2021

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20801 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 20801 were mailed on September 28, 2021, to the following:

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