

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4919 FOR WATER APPROPRIATION A-3134

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3134 is held by James Kahrs & Son, Inc.
2. A review of the Department's records indicates a scrivener's error was made on the Order of Cancellation in Part dated September 11, 2003, of appropriation A-3134. The location of diversion is in the ~~SE~~<sup>SE</sup> $\frac{1}{4}$  $\frac{1}{4}$  of Section 10, Township 1 North, Range 16 West of the 6<sup>th</sup> P.M. in Franklin County; it was incorrectly listed as the ~~SW~~<sup>SE</sup> $\frac{1}{4}$  $\frac{1}{4}$  of said legal description.
3. Appropriation A-3134 has a priority date of April 15, 1940, and authorizes the use of water for irrigation of the 7.9 acres of land described below. The water may be diverted from the Republican River at a point of diversion located in the ~~SE~~<sup>SE</sup> $\frac{1}{4}$  $\frac{1}{4}$  of Section 10, Township 1 North, Range 16 West of the 6<sup>th</sup> P.M. in Franklin County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.06 cfs.

<u>Township 1 North, Range 16 West of the</u>	
<u>6<sup>th</sup> P.M. in Franklin County</u>	
	<u>Acres</u>
Section 10: <del>SW</del> <sup>SE</sup> $\frac{1}{4}$ $\frac{1}{4}$	1.5
Section 11: <del>SW</del> <sup>SW</sup> $\frac{1}{4}$ $\frac{1}{4}$	<u>6.4</u>
TOTAL	7.9

4. On January 30, 2014, Mike Kahrs, on behalf of James Kahrs & Son, Inc., filed application EXT-4919 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-3134 and map number 18781 showing the land proposed to be irrigated under appropriation A-3134 through transfer EXT-4919.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4919 for a permit for an expedited transfer of the location of use and map number 18781 are APPROVED.

2. Appropriation A-3134 through transfer EXT-4919 authorizes the use of water to irrigate 7.9 acres of land described below and depicted on map number 18781, which is made a part of this Order. The water may be diverted from the Republican River at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, Township 1 North, Range 16 West of the 6<sup>th</sup> P.M. in Franklin County, as depicted on map number 18781. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.06 cfs (27 gallons per minute). The total volume may not exceed 3 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.

Township 1 North, Range 16 West of the 6 <sup>th</sup> P.M. in Franklin County	Acres
Section 10: SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.8
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>5.1</u>
TOTAL	7.9

3. All terms and conditions of appropriation A-3134 remain in effect unless specifically changed by this Order.
4. 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

September 26, 2014

  
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, 4<sup>th</sup> 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 18781 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order and map number 18781 were mailed on September 26, 2014, to the following:

Mike Kahrs  
James Kahrs & Son, Inc.  
1312 N Street  
Franklin, Nebraska 68939