

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER NUNC PRO TUNC OF ORDER DATED JANUARY 31, 1981,

APPROVING MAP NUMBER 13732 AND

APPROVAL OF EXPEDITED TRANSFER EXT-2044 (T-1197) AND

ORDER OF CANCELLATION IN PART FOR WATER APPROPRIATION A-15691

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15691 is held by Susan R. Watson.
2. Appropriation A-15691 has a priority date of July 29, 1980, and authorizes the use of water for irrigation of the 31.4 acres of land described below. The water may be diverted from the Republican River at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 1 North, Range 8 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated.

Township 1 North, Range 8 West of the
6th P.M. in Nuckolls County Acres

Section 22: NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>20.4</u>
TOTAL	31.4

3. A review of the Department's records indicates that a scrivener's error was made on the Order dated January 31, 1981, approving map number 13732. The maximum rate that water may be diverted was listed as 0.49 cfs (220 gallons per minute); however, the correct maximum rate as specified in statute is 0.45 cfs (202 gallons per minute). The error should be corrected, *nunc pro tunc*, so that the map approval correctly reflects the maximum rate that water may be diverted under appropriation A-15691.
4. On May 20, 2005, Susan R. Watson filed application EXT-2044 (T-1197) for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-15691.

5. All terms and conditions of appropriation A-15691 remain in effect unless specifically changed by this Order.
6. 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

January 20, 2012


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, 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 16609 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order and map number 16609 were mailed on January 20, 2012, to the following:

Susan R. Watson
555 North Bloom
Superior, Nebraska 68978

John Ray
3390 Road E
Superior, Nebraska 68978