

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITON RLP-1876 (P-627) AND EXPEDITED TRANSFER EXT-1902

FOR WATER APPROPRIATION A-8986

WATER DIVISION 2-A

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8986 is held by James V. Williams.
2. Appropriation A-8986 has a priority date of November 19, 1956, and authorizes the use of water for irrigation of the 153.0 acres of land described below. The water may be diverted from the Cedar River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ of Section 13 and in the N $\frac{1}{2}$ of Section 24, both in Township 17 North, Range 7 West of the 6th P.M. in Nance County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 2.19 cfs from all points of diversion (983 gallons per minute).

Township 17 North, Range 7 West of the 6 th P.M. in Nance County		Acres
Section 13:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	23.0
Section 24:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	16.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	28.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>33.0</u>
	TOTAL	153.0

3. On September 21, 2007, James V. Williams filed petition RLP-1876 (P-627) for a permit to change the location of diversion for appropriation A-8986.
4. On March 23, 2010, James V. Williams filed application EXT-1902 for a permit for an expedited transfer of the location of use and map number 17628 showing the location of diversion and the land proposed to be irrigated by appropriation A-8986 through EXT-1902.

Order

IT IS HEREBY ORDERED:

1. Petition RLP-1876 (P-627) for a permit to change the location of diversion, application EXT-1902 for a permit for an expedited transfer of the location of use and map number 17628 are APPROVED.
2. Appropriation A-8986 through petition RLP-1876 is now A-8986R.
3. Appropriation A-8986R through transfer EXT-1902 authorizes the use of water to irrigate 153.0 acres of land described below and depicted on map number 17628, which is made a part of this Order. The water may be diverted from the Cedar River at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, Township 17 North, Range 7 West of the 6th P.M. in Nance County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 2.19 cfs (983 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 17 North, Range 7 West of the</u>	
<u>6th P.M. in Nance County</u>	
	<u>Acres</u>
Section 13: SE $\frac{1}{4}$ SW $\frac{1}{4}$	22.3
Section 24: NE $\frac{1}{4}$ NW $\frac{1}{4}$	20.8
NW $\frac{1}{4}$ NE $\frac{1}{4}$	38.7
NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>23.0</u>
TOTAL	153.0

4. All terms and conditions of appropriation A-8986 remain in effect unless specifically changed by this Order.
5. 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

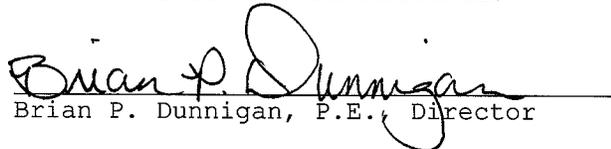
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

April 27, 2010


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 Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, 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 17628 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17628 were mailed on April 27, 2010, to the following:

James V. Williams
3134 Cactus Circle
Highland, California 92346

Mike Malander, Operator
2608 Hill View Drive
Albion, Nebraska 68620