

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4656 FOR WATER APPROPRIATION A-12286B

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12286B is held by Jim Forbes, Jr.
2. Appropriation A-12286B has a priority date of June 1, 1971, and authorizes the use of water for irrigation of the 200.4 acres of land described below. The water may be diverted from Loup River at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 9) of Section 7, Township 15 North, Range 7 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 2.86 cfs (1,283 gallons per minute).

<u>Township 15 North, Range 7 West of the</u>		
<u>6th P.M. in Nance County</u>		<u>Acres</u>
Section 7:	SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 9)	2.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 10)	11.9
Section 18:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	32.1
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.2
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	26.9
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25.0
 <u>Township 15 North, Range 8 West of the</u>		
<u>6th P.M. in Nance County</u>		<u>Acres</u>
Section 13:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	4.9
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.9
	TOTAL	200.4

3. On April 22, 2013, Jim Forbes, Jr., filed application EXT-4656 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-12286B and map number 18437 showing the land proposed to be irrigated under appropriation A-12286B through transfer EXT-4656.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4656 for a permit for an expedited transfer of the location of use and map number 18437 are APPROVED.
2. Appropriation A-12286B through transfer EXT-4656 authorizes the use of water to irrigate 200.4 acres of land described below and depicted on map number 18437, which is made a part of this Order. The water may be diverted from the Loup River at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 9) of Section 7, Township 15 North, Range 7 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 2.86 cfs (1,283 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 15 North, Range 7 West of the
6th P.M. in Nance County Acres

Section 7:	SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 9)	3.4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 10)	11.1
Section 18:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.5
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.2
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	23.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25.0

Township 15 North, Range 8 West of the
6th P.M. in Nance County Acres

Section 13:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	8.9
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>20.7</u>
	TOTAL	200.4

3. All terms and conditions of appropriation A-12286 and A-12286B 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

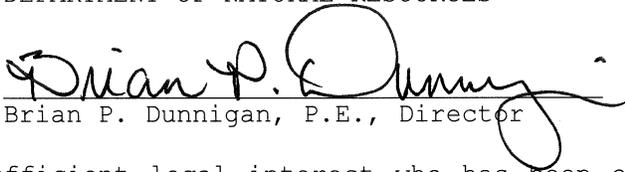
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

June 27, 2013


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 18437 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18437 were mailed on June 27, 2013, to the following:

Jim Forbes, Jr.
2776 3rd Road
Palmer, Nebraska 68864

Clayton Forbes
2776 3rd Road
Palmer, Nebraska 68864