

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2130 FOR WATER APPROPRIATION A-17308

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17308 is held by River Park Ranch, Inc.
2. Appropriation A-17308 has a priority date of August 25, 1993. The water may be diverted from the South Loup River at a point of diversion located on the west bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13, Township 14 North, Range 21 West of the 6<sup>th</sup> P.M. in Custer County.

Appropriation A-17308 authorizes the use of water for irrigation of the 58.4 acres of land described below. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 235 acres irrigated at a maximum rate of 0.25 cfs (112 gallons per minute).

Additional Water for Land Covered Under A-3195		Additional Water for Land Covered Under A-3290	
Township 14 North, Range 21 West of the 6 <sup>th</sup> P.M. in Custer County Acres		Township 14 North, Range 21 West of the 6 <sup>th</sup> P.M. in Custer County Acres	
Section 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.0	Section 12: SW $\frac{1}{4}$ SE $\frac{1}{4}$	12.7
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>18.0</u>	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>14.7</u>
	TOTAL 31.0		TOTAL 27.4

Appropriation A-17308 authorizes the use of water for irrigation of the 29.2 acres of land described below. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.42 cfs (188 gallons per minute).

Township 14 North, Range 21 West of the 6 <sup>th</sup> P.M. in Custer County		Acres
Section 12: SE $\frac{1}{4}$ SW $\frac{1}{4}$		0.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.3
Section 13: NE $\frac{1}{4}$ NW $\frac{1}{4}$		6.5
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.3
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>7.6</u>
	TOTAL	29.2

3. On June 20, 2011, Gary Henning, on behalf of River Park Ranch, Inc., filed application EXT-2130 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-17308 and map number 17886 showing the land proposed to be irrigated under appropriation A-17308 through EXT-2130.
4. The appropriator requested that the land appurtenant to appropriation A-17308 through transfer EXT-2130 which consists of 58.4 acres at a rate of one cfs for every 235 acres and 29.2 acres at a rate of one cfs for every 70 acres be decreased to 46.7 acres total at a rate of one cfs for 70 acres at a maximum rate of 0.67 cfs.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2130 for a permit for an expedited transfer of the location of use and map number 17886 are APPROVED.
2. Appropriation A-17308 through transfer EXT-2130 authorizes the use of water to irrigate 46.7 acres of land described below and depicted on map number 17886, which is made a part of this Order. The water may be diverted from the South Loup 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 13, Township 14 North, Range 21 West of the 6<sup>th</sup> P.M. in Custer County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.67 cfs (301 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 14 North, Range 21 West of the</u>		<u>6<sup>th</sup> P.M. in Custer County</u>	<u>Acres</u>
Section 12:	SE $\frac{1}{4}$ SW $\frac{1}{4}$		0.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$		7.5
Section 13:	NW $\frac{1}{4}$ NW $\frac{1}{4}$		16.4
	NE $\frac{1}{4}$ NW $\frac{1}{4}$		19.2
	NW $\frac{1}{4}$ NE $\frac{1}{4}$		<u>3.1</u>
	TOTAL		46.7

3. All terms and conditions of appropriation A-17308 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 13, 2011

  
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* 454 *Neb. 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 17886 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17886 were mailed on September 13, 2011, to the following:

River Park Ranch, Inc.  
c/o Gary Henning  
P.O. Box 309  
Kearney, Nebraska 68848

River Park Ranch, Inc.  
c/o Tom Henning  
P.O. Box 309  
Kearney, Nebraska 68848