

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2334 FOR WATER APPROPRIATION A-5338

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-5338 is held by Thomas Livestock Company, Inc.
2. Appropriation A-5338 has a priority date of June 1, 1953, and authorizes the use of water for irrigation of the 160.1 acres of land described below. The water may be diverted from the South Loup River at a point of diversion located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 14 North, Range 20 West of the 6th P.M. in Custer County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 110 acres irrigated at a maximum rate of 1.46 cfs.

Township 14 North, Range 20 West of the
6th P.M. in Custer County

	Acres
Section 27: NW $\frac{1}{4}$ SW $\frac{1}{4}$	16.4
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.1
SW $\frac{1}{4}$ SW $\frac{1}{4}$	24.8
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.9
Section 34: NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.4
NE $\frac{1}{4}$ NW $\frac{1}{4}$	25.9
SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.8
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>29.8</u>
TOTAL	160.1

3. On May 9, 2012, Matt Thomas, on behalf of Thomas Livestock Company, Inc., filed application EXT-2334 for a permit for a temporary expedited transfer of the location of use for land authorized to be irrigated by appropriation A-5338 and map number 18186 showing the land proposed to be irrigated under appropriation A-5338 through transfer EXT-2334.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2334 for a permit for an expedited transfer of the location of use and map number 18186 are APPROVED.

2. Appropriation A-5338 through transfer EXT-2334 authorizes the use of water to irrigate 160.1 acres of land described below and depicted on map number 18186, 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 right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 14 North, Range 20 West of the 6th P.M. in Custer County. Water diverted shall not exceed the ratio of one cfs for every 110 acres irrigated at a maximum rate of 1.46 cfs (655 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 14 North, Range 20 West of the 6 th P.M. in Custer County		Acres
Section 27:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.1
Section 28:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.6
Section 34:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.4
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25.9
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>29.8</u>
TOTAL		160.1

3. If a transfer is not submitted first, then EXT-2334 will EXPIRE five years from the date of this Order, and appropriation A-5338 will return to the previous location of use as shown on map 18085 without further action by the Department as of that date. Map 18085 will become active as of that date.
4. All terms and conditions of appropriation A-5338 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

June 4, 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 18186 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18186 were mailed on June 4, 2012, to the following:

Matt Thomas
Thomas Livestock Company, Inc.
79696 Highway 21
Broken Bow, Nebraska 68822