

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2191 FOR WATER APPROPRIATION A-17011

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17011 is held by Brian E. and Tracy K. Livingston.
2. Appropriation A-17011 has a priority date of August 3, 1990, and authorizes the use of water for irrigation of the 25.0 acres of land described below. The water may be diverted from Jelsma Reservoir (storage appropriation A-17010) at the pumpsite on the reservoir in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 1 North, Range 1 East of the 6th P.M. in Jefferson County.

Township 1 North, Range 1 East of the 6 th P.M. in Jefferson County		Acres
Section 17:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	11.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>1.0</u>
	TOTAL	25.0

3. Appropriation A-17011 provides supplemental water to irrigate land under a portion of surface water appropriation A-17127.
4. On October 17, 2011, Brian E. Livingston filed application EXT-2191 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-17011 and map number 17956 showing the land proposed to be irrigated under appropriation A-17011 through transfer EXT-2191.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2191 for a permit for an expedited transfer of the location of use and map number 17956 are APPROVED.

2. Appropriation A-17011 through transfer EXT-2191 authorizes the use of water to irrigate 25.0 acres of land described below and depicted on map number 17956, which is made a part of this Order. The amount of water diverted may not exceed 26.0 acre-feet water per year from Jelsma Reservoir (storage appropriation A-17010) at the pumpsite on the reservoir in the SW¹/₄NW¹/₄ of Section 17, Township 1 North, Range 1 East of the 6th P.M. in Jefferson County.

Land entitled to direct flow under A-17011 and supplemental water impounded in Jelsma Reservoir granted under storage appropriation A-17010.

Township 1 North, Range 1 East of the
6th P.M. in Jefferson County Acres

Section 17:	NW ¹ / ₄ NW ¹ / ₄	22.1
	NE ¹ / ₄ NW ¹ / ₄	1.9
	SW ¹ / ₄ NW ¹ / ₄	<u>1.0</u>
	TOTAL	25.0

3. Appropriation A-17011 through transfer EXT-2191 provides supplemental irrigation to a portion of the land approved for irrigation under natural flow appropriation A-17127 through transfer EXT-2192.
4. All terms and conditions of appropriation A-17011 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.

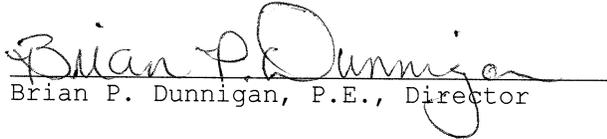
ADDITIONAL INFORMATION

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.

DEPARTMENT OF NATURAL RESOURCES

December 7, 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 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 17956 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17956 were mailed on December 7, 2011, to the following:

Brian E. and Tracy K. Livingston
PO Box 136
Reynolds, Nebraska 68429