

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4915

FOR WATER APPROPRIATION A-16189

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16189 is held by Duane and Sandra Kerkman.
2. Appropriation A-16189 has a priority date of April 12, 1983, and authorizes the use of 177.2 acre-feet of water from Flobert Springs Reservoir (storage appropriation A-10129) from a pumpsite located on the right bank of the reservoir in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 24 North, Range 6 West of the 6th P.M. in Antelope County, for irrigation of the 73 acres of land described below.

Township 24 North, Range 6 West of the	
<u>6th P.M. in Antelope County</u>	
	Acres
Section 21: NW $\frac{1}{4}$ SW $\frac{1}{4}$	17
NE $\frac{1}{4}$ SW $\frac{1}{4}$	18
NW $\frac{1}{4}$ SE $\frac{1}{4}$	19
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>19</u>
TOTAL	73

3. On January 27, 2014, Duane Kerkman, on behalf of Sandra Kerkman and himself, filed application EXT-4915 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-16189.
4. On February 24, 2014, Duane Kerkman, on behalf of Sandra Kerkman and himself, filed map number 18814 in the Department showing the location of the land to be irrigated under appropriation A-16189 through transfer EXT-4915.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4915 for a permit for an expedited transfer of the location of use and map number 18814 are APPROVED.

2. Appropriation A-16189 through transfer EXT-4915 authorizes the use of 177.2 acre-feet annually from Flobert Springs Reservoir (storage appropriation A-10129) from a pumpsite located on the right bank of the reservoir in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 24 North, Range 6 West of the 6th P.M. in Antelope County, to irrigate 73 acres of land described below and depicted on map number 18814, which is made a part of this Order.

Township 24 North, Range 6 West of the		
<u>6th P.M. in Antelope County</u>		<u>Acres</u>
Section 21:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39</u>
	TOTAL	73

3. All terms and conditions of appropriation A-16189 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

April 8, 2014


 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 18814 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 18814 were mailed on April 8, 2014, to the following:

Duane and Sandra Kerkman
52228 838 Road
Elgin, Nebraska 68636