STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4820 FOR WATER APPROPRIATION A-18732

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18732 is held by Paul E. Folkerts.

2. Appropriation A-18732 has a priority date of December 13, 2010, and authorizes the use of water for irrigation of the 200.4 acres of land described below. The water may be diverted from the Little Blue River at a point of diversion located on the left bank in the SW¼NW¼ of Section 20, Township 4 North, Range 6 West of the 6th P.M. in Nuckolls 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.

Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County		Acres
Section 19:	NW¼SE¼	30.8
	NE¼SE¼	9.2
	SW¼SE¼	35.0
	SE¼SE¼	34.5
Section 20:	SW¼NW¼	0.5
	NW¼SW¼	15.2
	NE¼SW¼	7.1
	SW¼SW¼	33.3
	SE¼SW¼	34.8
	TOTAL	200.4

3. On September 10, 2013, Paul E. Folkerts filed application EXT-4820 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-18732 and map number 18658 showing the land proposed to be irrigated under appropriation A-18732 through transfer EXT-4820.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4820 for a permit for an expedited transfer of the location of use and map number 18658 are APPROVED.

2. Appropriation A-18732 through transfer EXT-4820 authorizes the use of water to irrigate 200.4 acres of land described below and depicted on map number 18658, which is made a part of this Order. The water may be diverted from the Little Blue River at a point of diversion located on the left bank in the SW¼NW¼ of Section 20, Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 2.86 cfs (1,284 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County		Acres
Section 19:	NW¼SE¼	34.0
	NE¼SE¼	11.6
	SW¼SE¼	34.0
Section 20:	SW¼NW¼	12.1
	NW¼SW¼	32.3
	NE¼SW¼	12.1
	SW¼SW¼	30.9
	SE¼SW¼	33.4
	TOTAL	200.4

3. All terms and conditions of appropriation A-18732 remain in effect unless specifically changed by this Order.

4. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.

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

December 23, 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 18658 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18658 were mailed on December 23, 2013, to the following:

Paul E. Folkerts
5441 Road W
Carleton, Nebraska 68326