

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2038 FOR WATER APPROPRIATION A-9580

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9580 is held by William J. and Mary Ellen Boyer.
2. Appropriation A-9580 has a priority date of December 5, 1957, and authorizes the use of water for irrigation of the 72.75 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on the left bank of the stream in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35, Township 2 North, Range 7 East of the 6th P.M. in Gage County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.04 cfs from all points of diversion (467 gallons per minute).

Township 2 North, Range 7 East of the 6 th P.M. in Gage County	Acres
Section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$	16.70
NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.40
SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.25
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>30.40</u>
TOTAL	72.75

3. On January 28, 2011, William J. and Mary Ellen Boyer filed application EXT-2038 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-9580.
4. On February 17, 2011, William J. Boyer stated that the only active location of diversion for appropriation A-9580 is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 2 North, Range 7 East of the 6th P.M. in Gage County.
5. On February 21, 2011, William J. Boyer filed map number 17784 showing the active location of diversion and the land proposed to be irrigated under appropriation A-9580 through transfer EXT-2038.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2038 for a permit for an expedited transfer of the location of use and map number 17784 are APPROVED.
2. Appropriation A-9580 through transfer EXT-2038 authorizes the use of water to irrigate 72.75 acres of land described below and depicted on map number 17784, which is made a part of this Order. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 2 North, Range 7 East of the 6th P.M. in Gage County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.04 cfs (467 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 2 North, Range 7 East of the</u>	
<u>6th P.M. in Gage County</u>	
	<u>Acres</u>
Section 35:	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.55
NE $\frac{1}{4}$ NW $\frac{1}{4}$	21.25
SW $\frac{1}{4}$ NW $\frac{1}{4}$	7.95
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>32.00</u>
TOTAL	72.75

3. All terms and conditions of appropriation A-9580 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

March 3, 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 (4th Floor Nebraska State Office Building, 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 17784 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17784 were mailed on March 3, 2011, to the following:

William J. and Mary Ellen Boyer
15659 East State Highway 8
Liberty, Nebraska 68381