STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

# APPROVAL OF EXPEDITED TRANSFER EXT-2211 FOR WATER APPROPRIATION A-7907

WATER DIVISION 1-D

## BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-7907 is held by Loren D. Beran and Arlene L. Hoffman.

2. Appropriation A-7907 has a priority date of August 15, 1955, and authorizes the use of water for irrigation of the 155.5 acres of land described below. The water may be diverted from the Big Blue River at a point of diversion located on the right bank of the stream in the SE¼ of Section 2, Township 1 North, Range 7 East of the 6th P.M. in Gage County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 1.11 cfs (498 gallons per minute).

| Township 1 North, Range 7 East of the 6th P.M. in Gage County | | Acres |
|---|---|---|
| Section 2: | NE¼SW¼ | 15.1 |
| | SE¼SW¼ | 1.8 |
| | NW¼SE¼ | 35.0 |
| | NE¼SE¼ | 38.8 |
| | SW¼SE¼ | 34.0 |
| | SE¼SE¼ | 30.8 |
| | TOTAL | 155.5 |

3. On October 31, 2011, Loren D. Beran and Arlene L. Hoffman filed application EXT-2211 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-7907.

4. On October 31, 2011, Loren D. Beran filed map number 17958 showing the land proposed to be irrigated under appropriation A-7907 through transfer EXT-2211.

## ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2211 for a permit for an expedited transfer of the location of use and map number 17958 are APPROVED.

2. Appropriation A-7907 through transfer EXT-2211 authorizes the use of water to irrigate 88.9 acres of land described below and depicted on map number 17958, 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 right bank of the stream in the NW¼SE¼ of Section 2, Township 1 North, Range 7 East of the 6th P.M. in Gage County. Water diverted shall not exceed the ratio of one cfs for every 80 acres irrigated at a maximum rate of 1.11 cfs (498 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

| Township 1 North, Range 7 East of the 6th P.M. in Gage County | | Acres |
|---|---|---|
| Section 2: | NE¼SW¼ | 9.7 |
| | SE¼SW¼ | 5.4 |
| | NW¼SE¼ | 22.5 |
| | NE¼SE¼ | 0.1 |
| | SW¼SE¼ | 37.0 |
| | SE¼SE¼ | 14.2 |
| | TOTAL | 88.9 |

3. All terms and conditions of appropriation A-7907 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

June 14, 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 17958 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17958 were mailed on June 14, 2012, to the following:

Loren D. Beran and Arlene L. Hoffmann
c/o Loren D. Beran
1805 William Drive
Beatrice, Nebraska 68310