

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5086 FOR WATER APPROPRIATION A-16742

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16742 is held by Alfred Daubendiek, Jr.
2. Appropriation A-16742 has a priority date of January 30, 1989, and authorizes the use of water for irrigation of the 32.0 acres of land described below. The water may be diverted from a tributary to Mud Creek at a point of diversion located on the north bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 3 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 70 acres irrigated at a maximum rate of 0.46 cfs.

Township 3 North, Range 7 East of the 6 th P.M. in Gage County		Acres
Section 34:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	25.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>7.0</u>
TOTAL		32.0

3. On May 28, 2014, Alfred Daubendiek, Jr., filed application EXT-5086 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-16742.
4. On August 5, 2014, Alfred Daubendiek, Jr., filed map number 19010 showing the land proposed to be irrigated under appropriation A-16742 through transfer EXT-5086.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5086 for a permit for an expedited transfer of the location of use and map number 19010 are APPROVED.

2. Appropriation A-16742 through transfer EXT-5086 authorizes the use of water to irrigate 32.0 acres of land described below and depicted on map number 19010, which is made a part of this Order. The water may be diverted from a tributary to Mud Creek at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 3 North, Range 7 East of the 6th P.M. in Gage County, as depicted on map number 19010. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.46 cfs (206 gallons per minute). The total volume of all appropriations may not exceed 3 acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 3 North, Range 7 East of the</u>	
<u>6th P.M. in Gage County</u>	
	<u>Acres</u>
Section 34: NE $\frac{1}{4}$ SW $\frac{1}{4}$	28.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>3.4</u>
TOTAL	32.0

3. All terms and conditions of appropriation A-16742 remain in effect unless specifically changed by this Order.
4. A measuring device, approved by the Department, is **required** to be installed at both pumpsites on the tributary to Mud Creek as depicted on map number 19010 to meter the amount of water diverted from the stream into Daubendiek Reservoir Number 3.
5. A measuring device, approved by the Department, is **required** to be installed to meter the amount of water withdrawn from Daubendiek Reservoir Number 3 under appropriation A-16742 as depicted on map number 19010 for the purpose of irrigation.
6. Additional measuring, instrumentation or reporting requirements may be required as needed for the Department to efficiently administer water use in Water Division 1-D.
7. Approval of this transfer is based on the information included in application EXT-5086 and representations made on map number 19010 signed by Alfred Daubendiek Jr. That information and those representations are considered terms of this approval, to which the permit holder must adhere.
8. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
9. 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

April 28, 2015



James C. Schneider, Ph.D.
Acting 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 19010 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19010 were mailed on April 28, 2015, to the following:

Alfred Daubendiek, Jr.
1805 East Linden Drive
Beatrice, NE 68310