

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5350 AND PETITION FOR A CHANGE IN THE
LOCATION OF DIVERSION RLP-5351 FOR WATER APPROPRIATION A-3247

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3247 is held by Shuck Drilling Company.
2. Appropriation A-3247 has a priority date of August 31, 1940, and authorizes the use of water for irrigation of the 40.2 acres of land described below. The water may be diverted from the Little Blue River at points of diversion located on both banks of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, 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 140 acres irrigated at a maximum rate of 0.29 cfs from all points of diversion.

Township 4 North, Range 6 West of the 6 th P.M. in Nuckolls County		Acres
Section 18:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	13.9
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>26.3</u>
	TOTAL	40.2

3. On June 3, 2015, Dennis Shuck, on behalf of Shuck Drilling, filed application EXT-5350 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-3247 and petition RLP-5351 for a permit to add a point of diversion on the right bank of the stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County.
4. On July 14, 2015, Dennis Shuck, on behalf of Shuck Drilling, filed map number 19298 showing the points of diversion and land proposed to be irrigated under appropriation A-3247 through transfer EXT-5350 and petition RLP-5351.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5350 for a permit for an expedited transfer of the location of use, petition RLP-5351 for a petition for a permit to change the location of diversion and map number 19298 are APPROVED.

2. Appropriation A-3247 through petition RLP-5351 is now A-3247R
3. Appropriation A-3247R through transfer EXT-5350 authorizes the use of water to irrigate 40.2 acres of land described below and depicted on map number 19298, which is made a part of this Order. The water may be diverted from the Little Blue River at points of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 4 North, Range 6 West of the 6th P.M. in Nuckolls County, as depicted on map number 19298. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum combined rate of 0.29 cfs from both points of diversion (130 gallons per minute). The total combined volume 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 4 North, Range 6 West of the</u> <u>6th P.M. in Nuckolls County</u>	<u>Acres</u>
Section 18: NW $\frac{1}{4}$ SW $\frac{1}{4}$	8.7
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.8
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>0.7</u>
TOTAL	40.2

4. All terms and conditions of appropriation A-3247 remain in effect unless specifically changed by this Order.
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

July 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 19298 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19298 were mailed on July 28, 2015, to the following:

Dale Shuck
Shuck Drilling Company
1631 Road 3025
Edgar, Nebraska 68935

Dennis Shuck
ERC Farms
313 North C Street
Edgar, Nebraska 68935