

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5488 AND MAP NUMBER 18105

FOR WATER APPROPRIATION A-3701

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3701 is held by Donald E. and Aneta Harding.
2. Appropriation A-3701 has a priority date of March 22, 1944, and authorizes the use of water for irrigation of the 76.5 acres of land described below. The water may be diverted from Medicine Creek at points of diversion located in the NW¹/₄NW¹/₄ and SW¹/₄NW¹/₄ of Section 07, and the SE¹/₄SE¹/₄ of Section 18, all in Township 04 North, Range 25 West of the 6th P.M. in Furnas County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 546 acres irrigated at a maximum combined rate of 0.14 cfs from all points of diversion.

<u>Township 04 North, Range 25 West of the</u>		
<u>6th P.M. in Furnas County</u>		<u>Acres</u>
Section 07:	NW ¹ / ₄ NW ¹ / ₄	10.5
	SW ¹ / ₄ NW ¹ / ₄	31.9
	NW ¹ / ₄ SW ¹ / ₄	3.6
Section 18:	SE ¹ / ₄ SE ¹ / ₄	<u>30.5</u>
	TOTAL	76.5

3. Appropriation A-3701 provides additional water to land approved for irrigation under appropriation A-3632.
4. On June 15, 2015, Donald E. and Aneta Harding filed application EXT-5488 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-3701 and map number 18105 showing the land proposed to be irrigated under appropriation A-3701 through transfer EXT-5488.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5488 for a permit for an expedited transfer of the location of use and map number 18105 are APPROVED.

2. Appropriation A-3701 through transfer EXT-5488 authorizes the use of water to irrigate 76.5 acres of land described below and depicted on map number 18105, which is made a part of this Order. The water may be diverted from Medicine Creek at points of diversion located in the NW¹/₄NW¹/₄ and SW¹/₄NW¹/₄ of Section 07, and the SE¹/₄SE¹/₄ of Section 18, both in Township 04 North, Range 25 West of the 6th P.M. in Furnas County, as depicted on map number 18105. Water diverted shall not exceed the ratio of one cfs for every 546 acres irrigated at a maximum combined rate of 0.14 cfs from all points of diversion (63 gallons per minute). The total volume of appropriation A-3701 may not exceed 0.53 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 04 North, Range 25 West of the</u>		
<u>6th P.M. in Furnas County</u>		<u>Acres</u>
Section 07:	NW ¹ / ₄ NW ¹ / ₄	16.2
	SW ¹ / ₄ NW ¹ / ₄	32.8
	NW ¹ / ₄ SW ¹ / ₄	1.9
Section 18:	SE ¹ / ₄ SE ¹ / ₄	<u>25.6</u>
	TOTAL	76.5

3. Appropriation A-3701 through transfer EXT-5488 provides additional water to land approved for irrigation under appropriation A-3632 through transfer EXT-5487.
4. All terms and conditions of appropriation A-3701 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

September 8, 2015


Gordon W. Fassett, 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 18105 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order and map number 18105 were mailed on September 8, 2015, to the following:

Donald E. and Aneta Harding
40810 Road 725
Cambridge, Nebraska 69022