

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2429 FOR WATER APPROPRIATION A-14267

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14267 is held by Brian E. and Tracy K. Livingston.
2. Appropriation A-14267 has a priority date of June 11, 1976, and authorizes the use of water for irrigation of the 111.0 acres of land described below. The water may be diverted from Rose Creek at points of diversion located on both banks of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 1 North, Range 1 East of the 6th P.M. in Jefferson County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.59 cfs from all points of diversion (714 gallons per minute).

Township 1 North, Range 1 East of the
6th P.M. in Jefferson County Acres

Section 18: NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.9
SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.9
NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	8.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.9
SE $\frac{1}{4}$ NE $\frac{1}{4}$	22.4
NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.6
NE $\frac{1}{4}$ SE $\frac{1}{4}$	29.7
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>6.9</u>
TOTAL	111.0

3. On October 16, 2012, Brian E. and Tracy K. Livingston filed application EXT-2429 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-14267.
4. On October 22, 2012, Brian E. and Tracy K. Livingston filed map number 18335 showing the land proposed to be irrigated under appropriation A-14237 through transfer EXT-2429.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2429 for a permit for an expedited transfer of the location of use and map number 18335 are APPROVED.

2. Appropriation A-14267 through transfer EXT-2429 authorizes the use of water to irrigate 111.0 acres of land described below and depicted on map number 18335, which is made a part of this Order. The water may be diverted from Rose Creek at points of diversion located on both banks of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 1 North, Range 1 East of the 6th P.M. in Jefferson County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.59 cfs from all points of diversion (714 gallons per minute).

<u>Township 1 North, Range 1 East of the</u>		
<u>6th P.M. in Jefferson County</u>		<u>Acres</u>
Section 18:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.9
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.4
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	8.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.9
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	17.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.6
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	29.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>15.8</u>
	TOTAL	111.0

3. All terms and conditions of appropriation A-14267 remain in effect unless specifically changed by this Order.
4. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
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

November 1, 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 18335 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18335 were mailed on November 1, 2012, to the following:

Brian E. and Tracy K. Livingston
P.O. Box 136
Reynolds, Nebraska 68429