STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4659 AND MAP NUMBER 18507

FOR WATER APPROPRIATION A-10636

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10636 is held by the Neal R. and Carol A. Sell Trusts.

2. Appropriation A-10636 has a priority date of May 25, 1965, and authorizes the use of water for irrigation of the 37.0 acres of land described below. The water may be diverted from the Big Blue River at points of diversion on the right bank of the stream located in the SW¼NE¼, NE¼SE¼ and the SE¼SE¼ of Section 7, Township 11 North, Range 3 East of the 6th P.M. in Seward 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 0.53 cfs from all points of diversion.

Township 11 North, Range 3 East of the 6th P.M. in Seward County		Acres
Section 7:	SW¼SE¼	37.0

3. On April 22, 2013, Carol Sell, on behalf of Neal R. and Carol A. Sell Trusts, filed application EXT-4659 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-10636.

4. On June 3, 2013, Brian Schulz, on behalf of Neal R. and Carol A. Sell Trusts, filed map number 18507 showing the land proposed to be irrigated under appropriation A-10636 through transfer EXT-4659.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4659 for a permit for an expedited transfer of the location of use and map number 18507 are APPROVED.

2. Appropriation A-10636 through transfer EXT-4659 authorizes the use of water to irrigate 37.0 acres of land described below and depicted on map number 18507, which is made a part of this Order. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the SW¼NE¼, NE¼SE¼ and the SE¼SE¼ of Section 7, Township 11 North, Range 3 East of the 6th P.M. in Seward County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.53 cfs from all points of diversion (238 gallons per minute). The total combined volume of all appropriations may not exceed 3 acre-feet per irrigated acre per year.

Township 11 North, Range 3 East of the 6th P.M. in Seward County		Acres
Section 7:	NW¼SE¼	4.6
	NE¼SE¼	19.5
	SE¼SE¼	12.9
	TOTAL	37.0

3. A measuring device approved by the Department is required.

4. All terms and conditions of appropriation A-10636 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 16, 2013

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 18507 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18507 were mailed on July 16, 2013, to the following:

Neal R. and Carol A. Sell Trusts
c/o Neal R. and Carol A. Sell
1197 Rainbow Avenue
Seward, Nebraska 68434

Brian Schulz
1702 308th
Seward, Nebraska 68434