

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4671 AND  
PETITION RLP-4672 TO CHANGE THE LOCATION OF DIVERSION AND  
MAP 18492 FOR WATER APPROPRIATION A-12002

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12002 is held by Vernon D. Curtis.
2. Appropriation A-12002 has a priority date of July 14, 1970, and authorizes the use of water for irrigation of the 138.0 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on both banks of the stream in the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 10, Township 10 North, Range 3 East of the 6<sup>th</sup> 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 1.97 cfs from all points of diversion (884 gallons per minute).

<u>Township 10 North, Range 3 East of the</u>		
<u>6<sup>th</sup> P.M. in Seward County</u>		<u>Acres</u>
Section 10:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	25.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>37.0</u>
	TOTAL	138.0

3. On May 1, 2013, Vernon D. Curtis filed application EXT-4671 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-12002, RLP-4672 for a permit to add a location of diversion for appropriation A-12002, and map number 18492 showing the location of the proposed pump site and the land proposed to be irrigated under appropriation A-12002 through transfer EXT-4671.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4671 for a permit for an expedited transfer of the location of use, petition RLP-4672 and map number 18492 are APPROVED.

2. Appropriation A-12002 through petition RLP-4672 is now A-12002R.
3. Appropriation A-12002R through transfer EXT-4671 authorizes the use of water to irrigate 138.0 acres of land described below and depicted on map number 18492, which is made a part of this Order. The water may be diverted from the Big Blue River at points of diversion located in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 10, Township 10 North, Range 3 East of the 6<sup>th</sup> 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 1.97 cfs from all points of diversion (884 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 10 North, Range 3 East of the  
6<sup>th</sup> P.M. in Seward County                      Acres

Section 10:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	18.6
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	20.8
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	5.5
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	3.0
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	11.6
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	0.4
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	7.0
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	11.9
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	25.2
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	6.5
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>27.5</u>
	TOTAL	138.0

4. All terms and conditions of appropriation A-12002 remain in effect unless specifically changed by this Order.
5. A measuring device approved by the Department is required.
6. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
7. 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

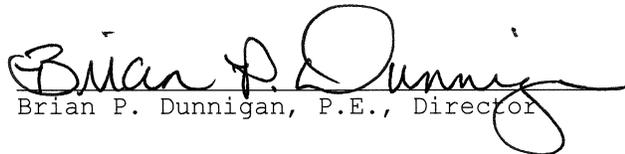
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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 5, 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, 4<sup>th</sup> 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 18492 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18492 were mailed on September 5, 2013, to the following:

Vernon D. Curtis  
1125 252<sup>nd</sup> Road  
Milford, Nebraska 68405