

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2278 FOR WATER APPROPRIATION A-15602

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15602 is held by Robert D. Minnick.
2. Appropriation A-15602 has a priority date of December 12, 1979, and authorizes the use of water for irrigation of the 105.4 acres of land described below. The water may be diverted from the Republican River at points of diversion located on the right bank of the stream in Lot 5 of Section 12, Township 1 North, Range 13 West of the 6th P.M. in Franklin 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 1.51 cfs from all points of diversion (678 gallons per minute).

Township 1 North, Range 13 West of the 6 th P.M. in Franklin County		Acres
Section 12:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.1
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.3
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>6.0</u>
	TOTAL	105.4

3. On February 22, 2012, Robert D. Minnick filed application EXT-2278 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-15602 and map number 18073 showing the land proposed to be irrigated under appropriation A-15602 through transfer EXT-2278.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2278 for a permit for an expedited transfer of the location of use and map number 18073 are APPROVED.

2. Appropriation A-15602 through transfer EXT-2278 authorizes the use of water to irrigate 105.4 acres of land described below and depicted on map number 18073, which is made a part of this Order. The water may be diverted from the Republican River at points of diversion located on the right bank of the stream in Lot 5 of Section 12, Township 1 North, Range 13 West of the 6th P.M. in Franklin County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.51 cfs from all points of diversion (678 gallons per minute). The total combined volume of all appropriations may not exceed 3 acre-feet per irrigated acre per year.

Township 1 North, Range 13 West of the
6th P.M. in Franklin County Acres

Section 12: SW ¹ / ₄ NW ¹ / ₄	9.1
NW ¹ / ₄ SW ¹ / ₄	31.6
NE ¹ / ₄ SW ¹ / ₄	13.8
SW ¹ / ₄ SW ¹ / ₄	35.7
SE ¹ / ₄ SW ¹ / ₄	<u>15.2</u>
TOTAL	105.4

3. All terms and conditions of appropriation A-15602 remain in effect unless specifically changed by this Order.
4. 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

March 21, 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 18073 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order and map number 18073 were mailed on March 21, 2012, to the following:

Robert D. Minnick
782 Highway 136
Red Cloud, Nebraska 68970