STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-2232 FOR WATER APPROPRIATION A-6695

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6695 is held by Gary ten Bensel.

2. Appropriation A-6695 has a priority date of September 25, 1954, and authorizes the use of water for irrigation of the 70.2 acres of land described below. The water may be diverted from the Republican River at points of diversion located in the SW¼SW¼ and SE¼SW¼ of Section 27, and in the NE¼SE¼ of Section 28, both in Township 4 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 1,003 acres irrigated at a maximum combined rate of 0.07 cfs from all points of diversion (31 gallons per minute).

Township 4 North, Range 25 West of the 6th P.M. in Furnas County		Acres
Section 27:	SW¼NW¼	1.9
	SE¼NW¼	4.8
	NW¼SW¼	30.6
	NE¼SW¼	23.9
	SW¼SW¼	0.5
Section 28:	NE¼SE¼	8.5
	TOTAL	70.2

3. Appropriation A-6695 provides additional water to land approved for irrigation under appropriation A-5767.

4. On December 5, 2011, Gary ten Bensel filed application EXT-2232 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-6695.

5. On January 13, 2012, Gary ten Bensel filed map number 18001 showing the land proposed to be irrigated under appropriation A-6695 through transfer EXT-2232.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-2232 for a permit for an expedited transfer of the location of use and map number 18001 are APPROVED.

2. Appropriation A-6695 through transfer EXT-2232 authorizes the use of water to irrigate 70.2 acres of land described below and depicted on map number 18001, which is made a part of this Order. The water may be diverted from the Republican River at points of diversion located on the left bank of the stream in the SW¼SW¼ and SE¼SW¼ of Section 27, and in the NE¼SE¼ of Section 28, both in Township 4 North, Range 25 West of the 6th P.M. in Furnas County. Water diverted shall not exceed the ratio of one cfs for every 1,003 acres irrigated at a maximum combined rate of 0.55 cfs from all points of diversion (31 gallons per minute). The total combined volume of all appropriations may not exceed 3 acre-feet per irrigated acre per year.

Township 4 North, Range 25 West of the 6th P.M. in Furnas County		Acres
Section 27:	SW¼NW¼	1.2
	SE¼NW¼	3.9
	NW¼SW¼	34.5
	NE¼SW¼	28.8
Section 28:	NE¼SE¼	1.8
	TOTAL	70.2

3. Appropriation A-6695 through transfer EXT-2232 provides additional water to land approved for irrigation under appropriation A-5767 through transfer EXT-2233.

4. All terms and conditions of appropriation A-6695 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

February 23, 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 18001 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order and map number 18001 were mailed on February 23, 2012, to the following:

Gary ten Bensel
41074 Highway 6 & 34
Cambridge, Nebraska 69022

Joseph Witte
40778 Road 719
Cambridge, Nebraska 69022