

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-4952 FOR WATER APPROPRIATION A-4289

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that a portion of the land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 9 North, Range 1 West of the 6th P.M. in York County appurtenant to appropriation A-4289 is owned by Ryan A. and Erin E. Pavlish.
2. Records on file in the Department show that a portion of the land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 9 North, Range 1 West of the 6th P.M. in York County appurtenant to appropriation A-4289 is owned by Eugene Gocke.
3. Appropriation A-4289 has a priority date of June 16, 1948, and authorizes the use of water for irrigation of the 40.0 acres of land described below. The water may be diverted from the West Fork of the Big Blue River at points of diversion located on both banks of the stream in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 3 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 10, Township 9 North, Range 1 West of the 6th P.M. in York County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.29 cfs from all points of diversion.

Township 9 North, Range 1 West of the 6 th P.M. in York County		Acres
Section 10:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	19.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	21.0
	TOTAL	40.0

4. On December 11, 2013, Ryan A. and Erin E. Pavlish filed REL-4879 relinquishing a portion of the water under appropriation A-4289, for use on the land described below.

Township 9 North, Range 1 West of the 6 th P.M. in York County		Acres
Section 10:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.4

5. On February 24, 2014, Eugene Gocke filed REL-4951 relinquishing a portion of the water under appropriation A-4289, for use on the land described below.

Township 9 North, Range 1 West of the
6th P.M. in York County Acres

Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.1

6. On February 26, 2014, Eugene Gocke filed application EXT-4952 for a permit for an expedited transfer of the location of use for 36.5 of the 40.0 acres under surface water appropriation A-4289 and map number 18763 showing the land proposed to be irrigated under appropriation A-4289 through transfer EXT-4952.

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-4289 at the rate of 0.03 cfs is CANCELLED for use on the land described below.

Township 9 North, Range 1 West of the
6th P.M. in York County Acres

Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.5

2. Application EXT-4952 for a permit for an expedited transfer of the location of use and map number 18763 are APPROVED.
3. Appropriation A-4289 through transfer EXT-4952 authorizes the use of water to irrigate 36.5 acres of land described below and depicted on map number 18763, which is made a part of this Order. The water may be diverted from the West Fork of the Big Blue River at the following two points of diversion located on the right bank of the stream in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 10, Township 9 North, Range 1 West of the 6th P.M. in York County as depicted on map number 18763. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum combined rate of 0.26 cfs from all points of diversion (117 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 9 North, Range 1 West of the
6th P.M. in York County Acres

Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$ 14.2
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 22.3

TOTAL 36.5

4. All terms and conditions of appropriation A-4289 remain in effect unless specifically changed by this Order.

5. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
6. 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

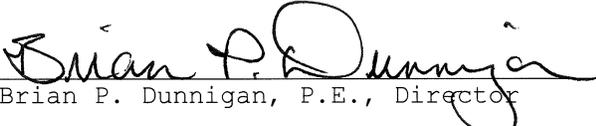
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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

April 15, 2014


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18763 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18763 mailed on April 15, 2014, to the following:

Ryan A. and Erin E. Pavlish
517 Road U
Waco, Nebraska 68461

Eugene Gocke
605 Road U
Waco, Nebraska 68461