

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4901

FOR WATER APPROPRIATION A-9017

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9017 is held by Jack L. Beguin.
2. Appropriation A-9017 has a priority date of December 5, 1956, and authorizes the use of water for irrigation of the 81.3 acres of land described below. The water may be diverted from the Niobrara River at a point of diversion located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 30 North, Range 44 West of the 6th P.M. in Sheridan County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.16 cfs.

<u>Township 30 North, Range 44 West of the</u> <u>6th P.M. in Sheridan County</u>	<u>Acres</u>
Section 28: SW $\frac{1}{4}$ SW $\frac{1}{4}$	28.3
Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>35.5</u>
TOTAL	81.3

3. On January 21, 2014, Jack L. Beguin filed application EXT-4901 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-9017.
4. On April 24, 2014, Jack L. Beguin filed map number 18803 in the Department showing the location of the land to be irrigated under appropriation A-9017 through transfer EXT-4901.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4901 for a permit for an expedited transfer of the location of use and map number 18803 are APPROVED.

2. Appropriation A-9017 through transfer EXT-4901 authorizes the use of water to irrigate 81.3 acres of land described below and depicted on map number 18803, which is made a part of this Order. The water may be diverted from the Niobrara River at a point of diversion located in the SW¹/₄SW¹/₄ of Section 28, Township 30 North, Range 44 West of the 6th P.M. in Sheridan County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.16 cfs.

<u>Township 30 North, Range 44 West of the 6th P.M. in Sheridan County</u>	<u>Acres</u>
Section 33: SW ¹ / ₄ NW ¹ / ₄	17.5
SE ¹ / ₄ NW ¹ / ₄	17.7
NW ¹ / ₄ SW ¹ / ₄	17.2
NE ¹ / ₄ SW ¹ / ₄	<u>28.9</u>
TOTAL	81.3

3. All terms and conditions of appropriation A-9017 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

June 16, 2014


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 18803 were provided to the Department's field office in Bridgeport and Crawford Nebraska. Copies of this Order and map number 18803 were mailed on June 16, 2014, to the following:

Jack Beguin
3697 470th Trail
Rushville, NE 69360