

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF NON-EXPEDITED TRANSFER NEX-4620 AND MAP 18424 FOR WATER

APPROPRIATION A-13182

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13182 is held by Binder Farms, Inc.
2. Appropriation A-13182 has a priority date of August 30, 1974, and authorizes the use of water for irrigation of the 410.0 acres of land described below. The water may be diverted from the North Fork of the Big Nemaha River at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 4 North, Range 12 East of the 6th P.M. in Johnson 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 5.86 cfs.

<u>Township 4 North, Range 11 East of the 6th P.M. in Johnson County</u>	<u>Acres</u>	<u>Township 3 North, Range 12 East of the 6th P.M. in Pawnee County</u>	<u>Acres</u>
Section 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0	Section 6: NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	38.0	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
		SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	17.0
<u>Township 4 North, Range 12 East of the 6th P.M. in Johnson County</u>	<u>Acres</u>		
Section 31: NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	32.0
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>32.0</u>
NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.0		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.0	TOTAL	410.0

3. On March 26, 2013, Steven Binder, on behalf of Binder Farms, Inc., appropriator, and Lynn F. Binder, on behalf of Binder Irrigation, Inc., recipient of a portion of A-13182, and Tyler Binder, operator, filed application NEX-4620 for a permit for a non-expedited transfer of the location of use for land authorized to be irrigated by appropriation A-13182.
4. The proposed location of use for a portion of A-13182 located in the SE $\frac{1}{4}$ of Section 25, Township 4 North, Range 11 East of the 6th P.M. in Johnson County, is currently owned by Binder Irrigation, Inc. The remainder is owned by Binder Farms, Inc.

5. On October 31, 2013, Tyler Binder filed map number 18424 showing the land proposed to be irrigated under appropriation A-13182 through application NEX-4620.
6. On November 8, 2013, Steven Binder, on behalf of Binder Farms, Inc., and Lynn F. Binder, on behalf of Binder Irrigation, Inc., filed an Allowance for Joint Ownership form in the Department, indicating the land under A-13182 will be operated as one unit.

ORDER

IT IS HEREBY ORDERED:

1. Application NEX-4620 for a permit for an expedited transfer of the location of use and map number 18424 are APPROVED.
2. Appropriation A-13182 through transfer NEX-4620 authorizes the use of water to irrigate 410.0 acres of land described below and depicted on map number 18424, which is made a part of this Order. The water may be diverted from the North Fork of the Big Nemaha River at a point of diversion located on the right bank of the stream in the SW¹/₄NW¹/₄ of Section 31, Township 4 North, Range 12 East of the 6th P.M. in Johnson 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 5.86 cfs (2,630 gallons per minute).

The portion of A-13182 appurtenant to land held by Binder Irrigation, Inc.

Township 4 North, Range 11 East of the 6th P.M. in Johnson County Acres

Section 25:	NE ¹ / ₄ SE ¹ / ₄	0.1
	SW ¹ / ₄ SE ¹ / ₄	1.7
	SE ¹ / ₄ SE ¹ / ₄	28.6

The portion of A-13182 appurtenant to land held by Binder Farms, Inc.

Township 4 North, Range 11 East of the 6th P.M. in Johnson County Acres

Section 36:	NW ¹ / ₄ NE ¹ / ₄	39.0
	NE ¹ / ₄ NE ¹ / ₄	38.0

Township 4 North, Range 12 East of the 6th P.M. in Johnson County Acres

Section 31:	SW ¹ / ₄ NW ¹ / ₄	7.0
	NW ¹ / ₄ SW ¹ / ₄	32.0
	SW ¹ / ₄ SW ¹ / ₄	32.0

The portion of A-13182 appurtenant to land held by Binder Farms, Inc.

Township 3 North, Range 12 East of the 6th P.M. in Pawnee County Acres

Section 6:	NW ¹ / ₄ NW ¹ / ₄	34.4
	NE ¹ / ₄ NW ¹ / ₄	14.4
	SW ¹ / ₄ NW ¹ / ₄	33.8
	SE ¹ / ₄ NW ¹ / ₄	20.4

	NW ¹ / ₄ NE ¹ / ₄	42.2
	NE ¹ / ₄ NE ¹ / ₄	24.7
	SW ¹ / ₄ NE ¹ / ₄	32.2
	SE ¹ / ₄ NE ¹ / ₄	29.5

TOTAL		410.0
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3. Appropriation A-13182 is operated as one unit.
4. All terms and conditions of appropriation A-13182 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

December 20, 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, 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 18424 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18424 were mailed on December 20, 2013, to the following:

Binder Farms, Inc.
c/o Steven C. Binder
71098 660th Avenue
Rulo, Nebraska 68731

Tyler Binder
71387 624 Boulevard
Table Rock, Nebraska 68447

Binder Irrigation, Inc.
c/o Lynn F. Binder
62694 Highway 4
Table Rock, Nebraska 68447