

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1579 FOR WATER APPROPRIATION A-10993R

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-10993R is held by Richard R. Miles.
2. Appropriation A-10993R has a priority date of December 7, 1966, and authorizes the use of water for irrigation of the 234.9 acres of land described below. The water may be diverted from Otter Creek at a point of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 33 North, Range 16 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 3.36 cfs (1508 gallons per minute).

Township 33 North, Range 16 West of the 6 th P.M. in Holt County		Acres
Section 28:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	23.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	35.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.6
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	4.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.8
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.1
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.2
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	11.0
Section 33:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.4
	TOTAL	234.9

3. Richard R. Miles filed application EXT-1579 for a permit for an expedited transfer of the location of use requesting a transfer of the land authorized to be irrigated by appropriation A-10993R.
4. On December 2, 2008, Richard R. Miles filed map number 17324 showing the land proposed to be irrigated under appropriation A-10993R through transfer EXT-1579.

Order

IT IS HEREBY ORDERED:

1. Application EXT-1579 for a permit for an expedited transfer of the location of use and map number 17324 are APPROVED.
2. Appropriation A-10993R through transfer EXT-1579 authorizes the use of water to irrigate 234.9 acres of land described below and depicted on map number 17324, which is made a part of this Order. The water may be diverted from Otter Creek at a point of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 33 North, Range 16 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 3.36 cfs (1508 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 33 North, Range 16 West of the 6 th P.M. in Holt County		Acres
Section 28:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	23.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	35.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.1
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.3
Section 29:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.5
Section 32:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>7.2</u>
	TOTAL	234.9

3. All terms and conditions of appropriation A-10993R (including those inherited from A-10993) 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 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 17, 2009

/s/
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 Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, 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 17324 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17324 were mailed on February _____, 2009, to the following:

Richard R. Miles
2505 Campanile Road
Waterloo NE 68069

Kathy Miles Burnham
15954 Adams Street
Omaha NE 68135

Lance Lindbloom
46429 896th Road
Stuart NE 68780