

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER COMBINING APPROPRIATIONS A-12404A AND A-12404B AND

APPROVAL OF EXPEDITED TRANSFER EXT-1826

WATER DIVISION 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriations A-12404A and A-12404B are held by Donald L. and Patricia J. Jirsa.
2. Appropriation A-12404A has a priority date of October 19, 1971, and authorizes the use of water for irrigation of the 91.0 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 9 North, Range 4 East of the 6th P.M. in Seward 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 combined rate of 1.30 cfs from all points of diversion (583 gallons per minute).

Township 9 North, Range 4 East of the
6th P.M. in Seward County Acres

Section 32:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	21.0

Township 8 North, Range 4 East of the
6th P.M. in Saline County Acres

Section 5:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>18.0</u>
	TOTAL	91.0

3. Appropriation A-12404B has a priority date of October 19, 1971, and authorizes the use of water for irrigation of the 30.0 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 9 North, Range 4 East of the 6th P.M. in Seward County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 0.43 cfs from all points of diversion (193 gallons per minute).

<u>Township 9 North, Range 4 East of the</u>		
<u>6th P.M. in Seward County</u>		<u>Acres</u>
Section 32:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	18.5
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>0.5</u>
	TOTAL	30.0

4. On November 12, 2009, Donald Jirsa requested appropriations A-12404A and A-12404B be combined into a single appropriation, A-12404. Appropriation A-12404 was divided into A-12404A and A-12404B to delineate two different owners' appurtenant land under the appropriation. The division is no longer needed because all land appurtenant to A-12404A and A-12404B has one owner.
5. On December 1, 2009, Donald L. and Patricia J. Jirsa filed application EXT-1826 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriations A-12404A and A-12404B.
6. On January 13, 2010, Donald L. and Patricia J. Jirsa filed map number 17554 showing the land proposed to be irrigated under appropriation A-12404 through transfer EXT-1826.

Order

IT IS HEREBY ORDERED:

3. Appropriations A-12404A and A-12404B are combined into a single appropriation A-12404.
4. Application EXT-1826 for a permit for an expedited transfer of the location of use and map number 17554 are APPROVED.

5. Appropriation A-12404 through transfer EXT-1826 authorizes the use of water to irrigate 121.0 acres of land described below and depicted on map number 17554, which is made a part of this Order. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 9 North, Range 4 East of the 6th P.M. in Seward County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 1.73 cfs from all points of diversion (776 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 9 North, Range 4 East of the
6th P.M. in Seward County Acres

Section 32:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.4
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.9
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	7.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	25.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	22.1

Township 8 North, Range 4 East of the
6th P.M. in Saline County Acres

Section 5:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	26.1
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>21.5</u>
	TOTAL	121.0

6. All terms and conditions of appropriations A-12404, A-12404A and A-12404B remain in effect unless specifically changed by this Order.
7. A measuring device approved by the Department is required.
8. 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

September 1, 2010


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* 454 *Neb. Admin. Code* Chapter 7. 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 17554 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17554 were mailed on September 1, 2010, to the following:

Donald L. and Patricia J. Jirsa
2040 Saltillo Road
Milford, Nebraska 68405