

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER T-1289 FOR WATER APPROPRIATION A-12548BR

WATER DIVISION 1-D

Background

1. Surface water appropriation A-12548BR is held by Berdine Kruse Life Estate.
2. Appropriation A-12548BR has a priority date of March 15, 1972, and authorizes the use of water for irrigation of the 40 acres of land described below. The water may be diverted from Lincoln Creek at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 11 North, Range 3 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 140 acres irrigated at a maximum rate of 0.28 cfs.

Township 11 North, Range 3 East of the
6th P.M. in Seward County Acres

Section 19: SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40

3. Jon W. Kruse, Power of Attorney on behalf of Berdine Kruse Life Estate, filed application T-1289 for a permit for an expedited transfer of the location of use requesting a transfer for the land authorized to be irrigated by appropriation A-12548BR.
4. Jon W. Kruse, Power of Attorney on behalf of Berdine Kruse Life Estate, filed map number 17082 showing the land proposed to be irrigated under appropriation A-12548BR through transfer T-1289.

Order

IT IS HEREBY ORDERED:

1. Application T-1289 for a permit for an expedited transfer of the location of use and map number 17082 are APPROVED.

2. Appropriation A-12548BR through transfer T-1289 authorizes the use of water to irrigate the 40 acres of land described below and depicted on map number 17082, which is made a part of this Order. The water may be diverted from Lincoln Creek at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 11 North, Range 3 East of the 6th P.M. in Seward County. The rate that water may be diverted shall not exceed one cfs for every 140 acres irrigated at a maximum rate of 0.28 cfs. The total combined volume of all appropriations may not exceed 3 acre-feet per irrigated acre per year.

Township 11 North, Range 3 East of the 6 th P.M. in Seward County	Acres
Section 19: NE $\frac{1}{4}$ NE $\frac{1}{4}$	10
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>30</u>
TOTAL	40

3. Appropriation A-12548BR through T-1289 provides additional water to land approved for irrigation under appropriation A-2883BR through T-1288.
4. All terms and conditions of appropriation A-12548BR 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 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. If you are not able to divert sufficient amounts of water, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

January 21, 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 17082 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17082 were mailed on January _____, 2009, to the following:

Berdine Kruse Life Estate
c/o Jon W. Kruse for Kruse Brothers
Partnership
303 East Northern Heights Drive
Seward Nebraska 68434

Kyle Roth
2873 Holdrege Street
Seward Nebraska 68434