

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER T-1290 FOR WATER APPROPRIATION A-6233BR

WATER DIVISION 1-D

Background

1. Surface water appropriation A-6233BR is held by Berdine Kruse Life Estate.
2. Appropriation A-6233BR has a priority date of April 19, 1954, and authorizes the use of water for irrigation of the 19 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 6<sup>th</sup> 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 0.14 cfs.

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

Section 19: NW $\frac{1}{4}$ NE $\frac{1}{4}$  19

3. Jon W. Kruse, Power of Attorney on behalf of Berdine Kruse Life Estate, filed application T-1290 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-6233BR.
4. Jon W. Kruse, Power of Attorney on behalf of Berdine Kruse Life Estate, filed map number 17081 showing the land proposed to be irrigated under appropriation A-6233BR through transfer T-1290.

Order

IT IS HEREBY ORDERED:

1. Application T-1290 for a permit for an expedited transfer of the location of use and map number 17081 are APPROVED.



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, 4<sup>th</sup> 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 17081 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17081 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