STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1823 FOR WATER APPROPRIATION A-9786

WATER DIVISION 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9786 is held by Donald L. and Patricia J. Jirsa.

2. Appropriation A-9786 has a priority date of December 30, 1959, and authorizes the use of water for irrigation of the 50.0 acres of land described below. The water may be diverted from the West Fork of the Big Blue River at a point of diversion located on the left bank of the stream in the NW¼NE¼ of Section 5, Township 8 North, Range 4 East of the 6th P.M. in Saline 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 0.71 cfs from all points of diversion (319 gallons per minute).

Township 9 North, Range 4 East of the 6th P.M. in Seward County		Acres
Section 32:	SE¼SW¼	33.0
	SW¼SE¼	6.0
Township 8 North, Range 4 East of the 6th P.M. in Saline County		**Acres**
Section 5:	NW¼NE¼	11.0
	TOTAL	50.0

3. On December 1, 2009, Donald L. and Patricia J. Jirsa filed application EXT-1823 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-9786.

4. On January 13, 2010, Donald L. and Patricia J. Jirsa filed map number 17556 showing the land proposed to be irrigated under appropriation A-9786 through transfer EXT-1823.

Order

IT IS HEREBY ORDERED:

1. Application EXT-1823 for a permit for an expedited transfer of the location of use and map number 17556 are APPROVED.

3. Appropriation A-9786 through transfer EXT-1823 authorizes the use of water to irrigate 50.0 acres of land described below and depicted on map number 17556, which is made a part of this Order. The water may be diverted from the West Fork of the Big Blue River at a point of diversion located on the left bank of the stream in the NW¼NE¼ of Section 5, Township 8 North, Range 4 East of the 6th P.M. in Saline County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.71 cfs (319 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:	NE¼SW¼	7.8
	SE¼SW¼	33.0
	SW¼SE¼	5.6
Township 8 North, Range 4 East of the 6th P.M. in Saline County		**Acres**
Section 5:	NW¼NE¼	3.6
	TOTAL	50.0

4. All terms and conditions of appropriation A-9786 remain in effect unless specifically changed by this Order.

5. A measuring device approved by the Department is required.

6. 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 17556 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17556 were mailed on September 1, 2010, to the following:

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