

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-2354 FOR WATER APPROPRIATION A-17089

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17089 is held by the Lower Big Blue Natural Resources District.
2. Appropriation A-17089 has a priority date of July 10, 1991, and authorizes the use of water for irrigation of the 30.0 acres of land described below. The water may be diverted from Cub Creek Reservoir 15-B (storage appropriation A-12588) at a point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 4 North, Range 2 East of the 6th P.M. in Jefferson County. The amount of water diverted shall not exceed three acre-feet per irrigated acre per year.

Township 4 North, Range 2 East of the
6th P.M. in Jefferson County Acres

Section 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0

3. On June 19, 2012, David Clabaugh, Manager of the Lower Big Blue Natural Resources District, and Tim J. Fairley, Landowner, filed application EXT-2354 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-17089.
4. On July 26, 2012, David Clabaugh, Manager of the Lower Big Blue Natural Resources District, and Tim J. Fairley, Landowner, filed map number 18248 showing the land proposed to be irrigated under appropriation A-17089 through transfer EXT-2354.
5. On July 26, 2012, David Clabaugh, Manager of the Lower Big Blue Natural Resources District, and Tim J. Fairley, Landowner, filed a partial relinquishment of water appropriation A-17089, REL-2388, relinquishing the right to divert water under appropriation A-17089 to irrigate the 2.0 acres of land described below.

Township 4 North, Range 2 East of the
6th P.M. in Jefferson County Acres

Section 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0

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.

DEPARTMENT OF NATURAL RESOURCES

September 7, 2012


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 Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, 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 18248 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18248 were mailed on September 7, 2012, to the following:

David S. Clabaugh, Manager
Lower Big Blue Natural Resources District
P.O. Box 826
Beatrice, Nebraska 68310

Tim J. Fairley
72030 569th Avenue
Fairbury, Nebraska 68352