

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4764 FOR WATER APPROPRIATION A-18652

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18652 is held by Jerome and Jerilee Fuchtman.
2. Appropriation A-18652 has a priority date of March 27, 2009, and authorizes the use of water for irrigation of the 370.7 acres of land described below. The water may be diverted from Verdigre Creek at a point of diversion located on the right bank of the stream in the NW¹/₄SW¹/₄ of Section 25, Township 30 North, Range 7 West of the 6th P.M. in Knox County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 5.30 cfs from all points of diversion.

Township 30 North, Range 6 West of the 6 th P.M. in Knox County	Acres	Township 30 North, Range 7 West of the 6 th P.M. in Knox County	Acres
Section 31: NW ¹ / ₄ NW ¹ / ₄	35.6	Section 36 NW ¹ / ₄ NE ¹ / ₄	40.0
SW ¹ / ₄ NW ¹ / ₄	13.0	NE ¹ / ₄ NE ¹ / ₄	19.2
NW ¹ / ₄ SW ¹ / ₄	10.5	SW ¹ / ₄ NE ¹ / ₄	40.1
		SE ¹ / ₄ NE ¹ / ₄	39.5
Township 30 North, Range 7 West of the 6 th P.M. in Knox County	Acres	NW ¹ / ₄ SE ¹ / ₄	35.5
		NE ¹ / ₄ SE ¹ / ₄	39.5
Section 25: NW ¹ / ₄ SW ¹ / ₄	5.0	SW ¹ / ₄ SE ¹ / ₄	18.4
NE ¹ / ₄ SW ¹ / ₄	0.3	SE ¹ / ₄ SE ¹ / ₄	<u>33.2</u>
SW ¹ / ₄ SW ¹ / ₄	4.1	TOTAL	370.7
NW ¹ / ₄ SE ¹ / ₄	11.0		
NE ¹ / ₄ SE ¹ / ₄	2.5		
SW ¹ / ₄ SE ¹ / ₄	19.7		
SE ¹ / ₄ SE ¹ / ₄	3.6		

3. On July 15, 2013, Jerome Fuchtman filed application EXT-4764 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-18652 and map number 18547 showing the land proposed to be irrigated under appropriation A-18652 through transfer EXT-4764.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4764 for a permit for an expedited transfer of the location of use and map number 18547 are APPROVED.
2. Appropriation A-18652 through transfer EXT-4764 authorizes the use of water to irrigate 370.7 acres of land described below and depicted on map number 18547, which is made a part of this Order. The water may be diverted from Verdigre Creek at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 30 North, Range 7 West of the 6th P.M. in Knox County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 5.30 cfs (2,379 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 30 North, Range 6 West of the 6th P.M. in Knox County</u>	<u>Acres</u>	<u>Township 30 North, Range 7 West of the 6th P.M. in Knox County</u>	<u>Acres</u>
Section 31: NW $\frac{1}{4}$ NW $\frac{1}{4}$	35.6	Section 36: NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.3	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.5
		SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.6
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>33.2</u>
		TOTAL	370.7
<u>Township 30 North, Range 7 West of the 6th P.M. in Knox County</u>	<u>Acres</u>		
Section 25: NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.3		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.1		
Section 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	19.2		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.1		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.5		

3. All terms and conditions of appropriation A-18652 remain in effect unless specifically changed by this Order.
4. 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

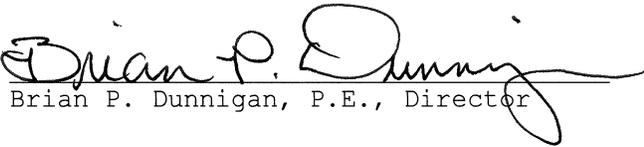
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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

December 23, 2013


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 18547 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18547 were mailed on December 23, 2013, to the following:

Jerome and Jerilee Fuchtman
87664 522nd Avenue
Winnetoon, Nebraska 68789

Jeremy Fuchtman
52175 877 Road
Winnetoon, Nebraska 68789