

STATE OF NEBRASKA

DEPARTMENT OF ROADS AND IRRIGATION

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This is to certify that the foregoing Application 3869-D, for a permit to divert water for irrigation has been examined, and it is hereby approved subject to the following limitations and conditions, viz:

1st. That the source of the appropriation is the Republican River.

2nd. That the water appropriated shall be used for irrigation.

3rd. That as requested by H. D. Strunk, agent for applicant, the priority of the appropriation for lands to be reclaimed under the Red Willow South Canal by virtue of Application 3869-D, is April 3, 1946.

4th. That the applicant shall file in the office of the Department of Roads and Irrigation on or before April 7, 1948, a map as provided by Section 46-237 Revised Statutes of Nebraska, 1943, and it must be prepared in accordance with the rules and regulations of the department. No rights shall be deemed to have been acquired until the provisions of this section shall have been complied with, and a failure to so comply shall work a forfeiture of the appropriation and all rights thereunder.

5th. That the work of construction shall begin on or before April 7, 1948. The applicant shall vigorously, diligently and uninterruptedly prosecute such work to completion, as provided by Section 46-238 Revised Statutes of Nebraska, 1943, unless temporarily interrupted by some unavoidable and natural cause. A failure to comply with the provisions of this section shall work a forfeiture of the appropriation and all rights thereunder.

6th. That the time for completing the work of construction shall extend to October 1, 1950.

7th. That the time for completing the application of water to beneficial use indicated shall extend to October 1, 1955.

8th. That the prior rights of the owners of land bordering on streams in Water Division Number 1-B, or through which the streams flow, to so much of the natural flow as is necessary for domestic use, including stock water, must be respected.

9th. That the prior rights of all persons who, by compliance with the laws of the State of Nebraska, have acquired a right to the use of the water in this basin must not be interfered with by the issuance of this permit.

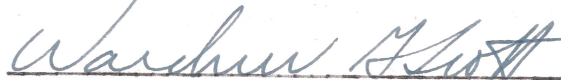
10th. That the rate of diversion of water shall not exceed one (1) second-foot for each 95 acres irrigated.

11th. That the records show the normal supply of water in the Republican River basin is over-appropriated. The applicant under this permit is hereby given notice that he may be denied the use of water during times of scarcity.

12th. Section 6, Article XV Constitution of Nebraska, 1920, and Sections 70-668 and 70-669, Revised Statutes of Nebraska, 1943, govern the use of water, and provide that no inferior right to the use of the waters of this State shall be acquired by a superior right without just compensation therefor to the inferior user.

VAL PETERSON, GOVERNOR OF NEBRASKA

DEPARTMENT OF ROADS AND IRRIGATION


State Engineer

Approved October 7, 1947.

A-3869-D