

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1667 FOR WATER APPROPRIATION A-12372

WATER DIVISION 2-F

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12372 is held by Dale G. and Lisa K. Van Heek.
2. Appropriation A-12372 has a priority date of September 3, 1971, and authorizes the use of water for irrigation of the 109.0 acres of land described below. The water may be diverted from West Bow Creek at a point of diversion located on the left bank of the stream in the SW¼NW¼ of Section 12, Township 31 North, Range 2 West of the 6th P.M. in Knox 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 rate of 1.56 cfs.

Township 31 North, Range 2 West of the 6 th P.M. in Knox County	Acres
Section 11: NE¼NE¼	38.0
SE¼NE¼	39.0
Section 12: SW¼NW¼	32.0
TOTAL	109.0

3. On April 17, 2009, Dale G. and Lisa K. Van Heek filed application EXT-1667 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-12372.
4. On May 21, 2009, Dale G. and Lisa K. Van Heek filed map number 17412 showing the land proposed to be irrigated under appropriation A-12372 through transfer EXT-1667.

Order

IT IS HEREBY ORDERED:

1. Application EXT-1667 for a permit for an expedited transfer of the location of use and map number 17412 are APPROVED.

2. Appropriation A-12372 through transfer EXT-1667 authorizes the use of water to irrigate 109 acres of land described below and depicted on map number 17412, which is made a part of this Order. The water may be diverted from West Bow Creek at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 31 North, Range 2 West of the 6th P.M. in Knox County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.56 cfs. The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 31 North, Range 2 West of the</u>		
<u>6th P.M. in Knox County</u>		<u>Acres</u>
Section 11:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	18.7
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	37.1
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.3
Section 12:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.1
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.2
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>5.5</u>
	TOTAL	109.0

3. All terms and conditions of appropriation A-12372 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.

