

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5562 FOR WATER APPROPRIATION A-6523

AND MAP NUMBER 19492

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6523 is held by Dan and Nancy F. Martensen, Ronald and Dawn Cech, and John and Julie Cech.
2. Appropriation A-6523 has a priority date of July 30, 1954, and authorizes the use of water for irrigation of the 70 acres of land described below. The water may be diverted from Shell Creek at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, Township 18 North, Range 03 East of the 6<sup>th</sup> P.M. in Colfax County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.50 cfs.

Township 18 North, Range 03 East of the 6 <sup>th</sup> P.M. in Colfax County	Acres
Section 34: NW $\frac{1}{4}$ NW $\frac{1}{4}$	32
NE $\frac{1}{4}$ NW $\frac{1}{4}$	21
SW $\frac{1}{4}$ NW $\frac{1}{4}$	10
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>7</u>
TOTAL	70

3. Application A-6523 dated July 30, 1954, listed the point of diversion on the south bank of Shell Creek in the NW $\frac{1}{4}$  of Section 34, Township 18 North, Range 03 East of the 6<sup>th</sup> P.M. in Colfax County.
4. The approval of map number 7080 dated August 29, 1955, listed the point of diversion on the left bank of Shell Creek in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 27, Township 18 North, Range 03 East of the 6<sup>th</sup> P.M. in Colfax County.
5. A subsequent Order dated July 9, 1992, listed the point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, Township 18 North, Range 03 East of the 6<sup>th</sup> P.M. in Colfax County.
6. Because of multiple clerical errors, the location of diversion was erroneously identified. In actuality, the point of diversion was and has remained, as stated on the application, in the **NW $\frac{1}{4}$  of Section 34**, Township 18 North, Range 03 East of the 6<sup>th</sup> P.M. in Colfax County.

7. On March 10, 2016, Dan Martensen, on behalf of Ronald and Dawn Cech, John and Julie Cech, Nancy F. Martensen, and himself, filed application EXT-5562 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-6523.
8. On March 24, 2016, Dan Martensen filed map number 19492 showing the point of diversion and land proposed to be irrigated under appropriation A-6523 through transfer EXT-5562.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5562 for a permit for an expedited transfer of the location of use and map number 19492 are APPROVED.
2. Appropriation A-6523 through transfer EXT-5562 authorizes the use of water to irrigate 70 acres of land described below and depicted on map number 19492, which is made a part of this Order. The water may be diverted from Shell Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 34, Township 18 North, Range 03 East of the 6<sup>th</sup> P.M. in Colfax County, as depicted on map number 19492. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.50 cfs (224 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 18 North, Range 03 East of the 6<sup>th</sup> P.M. in Colfax County</u>	<u>Acres</u>
Section 34: NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.9
SW $\frac{1}{4}$ NW $\frac{1}{4}$	36.7
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>29.4</u>
TOTAL	70.0

3. All terms and conditions of appropriation A-6523 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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

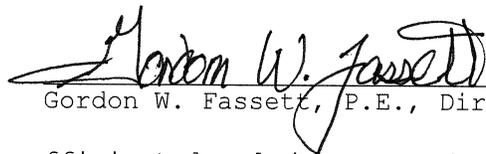
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

April 18, 2016

  
Gordon W. Fassett, 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, 4<sup>th</sup> 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 19492 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 19492 were mailed on April 18, 2016, to the following:

Dan and Nancy K. Martensen  
14266 T Road  
Columbus, Nebraska 68601

John and Julie Cech  
1357 Road 9  
Schuyler, Nebraska 68661

Ronald and Dawn Cech  
1615 Road 15  
Howells, Nebraska 68641