

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

CANCELLATION IN PART

AND APPROVAL OF EXPEDITED TRANSFER EXT-1691

FOR WATER APPROPRIATION A-11845

WATER DIVISION 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11845 is held by Michael Jay and Emily Nicole Spilker.
2. Appropriation A-11845 has a priority date of December 30, 1969, and authorizes the use of water for irrigation of the 57.0 acres of land described below. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the NW¼SW¼ of Section 36, Township 6 North, Range 4 East of the 6th P.M. in Saline 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 0.81 cfs (364 gallons per minute).

<u>Township 6 North, Range 4 East of the 6th P.M. in Saline County</u>	<u>Acres</u>
Section 36: SW¼NE¼	10.0
SE¼NE¼	8.0
NE¼SE¼	<u>39.0</u>
TOTAL	57.0

3. On June 22, 2009, Michael Jay and Emily Nicole Spilker filed application EXT-1691 in the Department for a permit for an expedited transfer of the location of use for 41.5 of the 57.0 acres under surface water appropriation A-11845.
4. On June 22, 2009, Michael Jay and Emily Nicole Spilker filed application REL-1690 in the Department for a partial relinquishment of water under appropriation A-11845, for use on the 15.5 acres described below.

<u>Township 6 North, Range 4 East of the 6th P.M. in Saline County</u>	<u>Acres</u>
Section 36: NE¼SE¼	15.5

5. On September 1, 2009, Michael Jay and Emily Nicole Spilker filed map number 17473 showing the land proposed to be irrigated under appropriation A-11845 through transfer EXT-1691.

Order

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-11845 at the rate of 0.22 cfs is CANCELLED for use on the land described below.

Township 6 North, Range 4 East of the 6 th P.M. in Saline County	Acres
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Section 36: NE $\frac{1}{4}$ SE $\frac{1}{4}$	15.5
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2. Application EXT-1691 for a permit for an expedited transfer of the location of use and map number 17473 are APPROVED.

3. Appropriation A-11845 through transfer EXT-1691 authorizes the use of water to irrigate 41.5 acres of land described below and depicted on map number 17473, which is made a part of this Order. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 6 North, Range 4 East of the 6th P.M. in Saline County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.59 cfs (265 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 6 North, Range 4 East of the 6 th P.M. in Saline County	Acres
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Section 36: SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.4

NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>23.5</u>
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TOTAL	41.5
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4. All terms and conditions of appropriation A-11845 remain in effect unless specifically changed by this Order.

5. 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.

