

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9488 FOR WATER APPROPRIATION A-6635R

AND MAP NUMBER 20886

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6635R is held by David L. and Lisa Maly.
2. Appropriation A-6635R has a priority date of August 24, 1954, and authorizes the use of water for irrigation of the 33.0 acres of land described below. The water may be diverted from Turkey Creek at a point of diversion located on the left bank of the stream in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 29, Township 06 North, Range 04 East of the 6<sup>th</sup> P.M. in Saline 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 0.24 cfs.

Township 06 North, Range 04 East of the 6 <sup>th</sup> P.M. in Saline County	Acres
Section 29: NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	17.7
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	10.7
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.8
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	1.8
TOTAL	33.0

3. On January 24, 2022, David L. and Lisa Maly filed application EXT-9488 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-6635R and map number 20886 showing land proposed to be irrigated under this application.
4. On February 3, 2022, David Maly corrected filed map number 20886 showing the land proposed to be irrigated under appropriation A-6635R through transfer EXT-9488.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9488 for a permit for an expedited transfer of the location of use and map number 20886 are APPROVED.
2. Appropriation A-6635R through transfer EXT-9488 authorizes the use of water to irrigate 33.0 acres of land described below and depicted on map number 20886, which is made a part of this Order. The water may be diverted from Turkey Creek at a point of diversion located on the left

bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, Township 06 North, Range 04 East of the 6<sup>th</sup> P.M. in Saline County, as depicted on map number 20886. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.24 cfs (108 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 06 North, Range 04 East of the</u>	
<u>6<sup>th</sup> P.M. in Saline County</u>	
	<u>Acres</u>
Section 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$	17.4
NE $\frac{1}{4}$ NE $\frac{1}{4}$	13.8
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>1.8</u>
TOTAL	33.0

3. All terms and conditions of previous orders for appropriation A-6635 remain in effect unless specifically changed by this Order.
4. A measuring device, approved by the Department, may be required if so ordered by the Department.
5. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
6. 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 Order 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 a portion or all of a perfected 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



March 8, 2022

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Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20886 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 20886 were mailed on March 8, 2022, to the following:

David L. and Lisa Maly  
2094 County Road R  
Wilber, Nebraska 68465