

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-10057 AND EXT-10058

FOR WATER APPROPRIATIONS A-4365 AND A-14390

AND MAPS NUMBER 21255 AND 21257

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriations A-4365 and A-14390 are held by Blue Ox Farms, LLC.
2. Appropriation A-4365 has a priority date of November 15, 1948, and authorizes the use of water for irrigation of the 83.9 acres of land described below. The water may be diverted from Turkey Creek at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ both in Section 20, Township 02 North, Range 16 West of the 6th P.M. in Franklin County. Water diverted shall not exceed the ratio of one cfs for every 646 acres irrigated and shall not exceed 0.56 acre-feet per acre annually at a maximum rate of 0.13 cfs (58 gallons per minute).

<u>Township 02 North, Range 16 West of the</u>	<u>Acres</u>
<u>6th P.M. in Franklin County</u>	
Section 20: NE $\frac{1}{4}$ SW $\frac{1}{4}$	19.7
SE $\frac{1}{4}$ SW $\frac{1}{4}$	19.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	31.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>13.7</u>
TOTAL	83.9

3. Appropriation A-14390 with a priority date of August 12, 1976, provides additional water to A-4365 and authorizes the use of water for irrigation of the same 83.9 acres of land described above. The water may be diverted from Turkey Creek at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, both in Section 20, Township 02 North, Range 16 West of the 6th P.M. in Franklin County. Water diverted shall not exceed the ratio of one cfs for every 84 acres irrigated at maximum rate of 1.0 cfs not to exceed 2.44 acre-feet per acre annually.

4. On August 14, 2023, Debra James, on behalf of Blue Ox Farms, LLC, filed applications EXT-10057 and EXT-10058 for permits for expedited transfers of the location of use for land authorized to be irrigated by appropriations A-4365 and A-14390 and maps number 21255 and 21257 showing the land proposed to be irrigated under appropriations A-4365 and A-14390 through EXT-10057 and EXT-10058, respectively.

ORDER

IT IS HEREBY ORDERED:

1. Applications EXT-10057 and EXT-10058 for permits for expedited transfers of the location of use and maps number 21255 and 21257 are APPROVED.
2. Appropriation A-4365 through transfer EXT-10057 authorizes the use of water to irrigate the 83.9 acres of land described below and depicted on map number 21255 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 SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 02 North, Range 16 West of the 6th P.M. in Franklin County. Water diverted shall not exceed the ratio of one cfs for every 646 acres irrigated and shall not exceed 0.56 acre-feet per acre annually at a maximum rate of 0.13 cfs (58 gallons per minute).

<u>Township 02 North, Range 16 West of the</u>	<u>Acres</u>
<u>6th P.M. in Franklin County</u>	
Section 20: NE $\frac{1}{4}$ SW $\frac{1}{4}$	16.1
SE $\frac{1}{4}$ SW $\frac{1}{4}$	22.6
NW $\frac{1}{4}$ SE $\frac{1}{4}$	31.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>13.7</u>
TOTAL	83.9

3. Appropriation A-14390 through transfer EXT-10058 provides additional water to appropriation A-4365 and authorizes the use of water for irrigation to the same 83.9 acres of land described above and depicted on map number 21257, 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 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 02 North, Range 16 West of the 6th P.M. in Franklin County. Water diverted shall not exceed the ratio of one cfs for every 84 acres irrigated at maximum rate of 1.0 cfs not to exceed 2.44 acre-feet per acre annually.
4. The total combined volume of appropriations A-4365 and A-14390 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.
5. All terms and conditions of appropriation A-4365 and A-14390 remain in effect unless specifically changed by this Order.
6. A measuring device, approved by the Department, and water use reporting continues to be required.

7. 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



Thomas E. Riley, P.E., Director

August 31, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 21255 and 21257 were provided to the Department's field office in Cambridge, Nebraska and were mailed to the following:

Debra James
Blue Ox Farms, LLC
264 I Road
Naponee, Nebraska 68960