

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-10877

AND APPROVAL OF MAP NUMBER 21545

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10877 is held by William F. and Sheryl Kastanek and Michael E. Kastanek.
2. Appropriation A-10877 has a priority date of July 5, 1966, and authorizes the use of water for irrigation of the 100 acres of land described below. The water may be diverted from Turkey Creek at a points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, Township 07 North, Range 03 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 70 acres irrigated at a maximum rate of 1.43 cfs. The total annual volume may not exceed three acre-feet per acre of land on which water is actually and beneficially applied.

<u>Township 07 North, Range 03 East of the 6<sup>th</sup> P.M. in Saline County</u>	<u>Acres</u>
Section 26: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	20
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40</u>
TOTAL	100

3. On December 2, 2024, Michael E. Kastanek filed relinquishment REL-10813, relinquishing the right to divert water under a portion of appropriation A-10877 to irrigate the 40 acres of land described below.

<u>Township 07 North, Range 03 East of the 6<sup>th</sup> P.M. in Saline County</u>	<u>Acres</u>
Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$	40

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-10877 at the rate of 0.57 cfs for use upon the 40 acres of land described above is CANCELLED.

2. Appropriation A-10877 now authorizes the appropriator to divert water from Turkey Creek to irrigate the 60 acres of land described below and depicted on map number 21545 which is made a part of this Order. The points of diversion remain in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, Township 07 North, Range 03 East of the 6<sup>th</sup> P.M. in Saline County, as depicted on map number 21545. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.86 cfs (386 gallons per minute). The total volume may not exceed three 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 07 North, Range 03 East of the 6<sup>th</sup> P.M. in Saline County</u>	<u>Acres</u>
Section 26: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>20</u>
TOTAL	60

3. All terms and conditions of appropriation A-10877 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 points 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 and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the 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. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

December 11, 2024



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Jesse Bradley, P.G., Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21545 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21545 were mailed to the following:

Michael E. Kastanek  
1295 County Road 2100  
Wilber, Nebraska 68465

William F. and Cheryl Kastanek  
1779 County Road K  
Crete, Nebraska 68333