

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONEMNT

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19589

AND APPROVAL OF MAP NUMBER 21575

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-19589 is held by Douglas and Hillary Hayek and Daryl and Roxy Hayek.
2. Appropriation A-19589 has a priority date of March 19, 2018, and authorizes the appropriator the use of 15.1 acre-feet of water annually for irrigation of 79.0 acres of land from Hayek Farm Pond (storage appropriation A-19590) from a pump site located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 06 North, Range 03 East of the 6th P.M. in Saline County.

Township 06 North, Range 03 East of the 6 th P.M. in Saline County		Acres
Section 18:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>39.0</u>
TOTAL		79.0

3. The approval of appropriation A-19589 was conditional upon the irrigation of the above land by September 1, 2020.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19589 had not been irrigated by September 1, 2020.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.
6. The Department has determined that the irrigation project is within the original project concept. The number of acres of land and the amount of water is less than originally granted. Therefore, the Department's mapping staff has prepared map number 21575 to reflect the location and actual number of acres irrigated.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-19589 for use upon 34.0 acres of land is CANCELLED.

2. Appropriation A-19589 now permits the appropriator to divert 15.1 acre-feet of water from Hayek Farm Pond located in the NW¹/₄NW¹/₄ of Section 18, Township 06 North, Range 03 East of the 6th P.M. in Saline County to irrigate the 45.0 acres of land described below and depicted on map number 21575 which is made a part of this Order.

<u>Township 06 North, Range 03 East of the</u>	
<u>6th P.M. in Saline County</u>	<u>Acres</u>
Section 18: NW ¹ / ₄ NW ¹ / ₄	3.4
SW ¹ / ₄ NW ¹ / ₄	39.0
SE ¹ / ₄ NW ¹ / ₄	<u>2.6</u>
TOTAL	45.0

3. All terms and conditions of the approval of appropriation A-19589 remains 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 and any orders issued by the Department 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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



September 3, 2025

Matthew Manning, PE, JD - Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21575 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 21575 were mailed to the following:

Douglas and Hillary Hayek
P.O. Box 726
Wilber, Nebraska 68465

Daryl and Roxy Hayek
P.O. Box 726
Wilber, Nebraska 68465