

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-7537 FOR WATER APPROPRIATION A-12414

AND MAP NUMBER 20436

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12414 is held by James E. Chmelka and Terrence and Terri Chmelka.
2. Appropriation A-12414 has a priority date of November 1, 1971, and authorizes the use of water for irrigation of the 134.5 acres of land described below. The water may be diverted from North Oak Creek at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 09, Township 13 North, Range 05 East of the 6th P.M. in Saunders County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.92 cfs from all points of diversion.

<u>Township 13 North, Range 05 East of the</u>		
<u>6th P.M. in Saunders County</u>		<u>Acres</u>
Section 09:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>32.0</u>
	TOTAL	134.5

3. On August 12, 2019, James E. Chmelka and Terrence and Terri Chmelka filed application EXT-7537 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-12414 and map number 20436 showing the land proposed to be irrigated under appropriation A-12414 through transfer EXT-7537.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-7537 for a permit for an expedited transfer of the location of use and map number 20436 are APPROVED.

2. Appropriation A-12414 through transfer EXT-7537 authorizes the use of water to irrigate 134.5 acres of land described below and depicted on map number 20436, which is made a part of this Order. The water may be diverted from North Oak Creek at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 09, Township 13 North, Range 05 East of the 6th P.M. in Saunders County, as depicted on map number 20436. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.92 cfs from all points of diversion (862 gallons per minute). The total combined 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 13 North, Range 05 East of the</u>		
<u>6th P.M. in Saunders County</u>		<u>Acres</u>
Section 09:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.7
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.6
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.7
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>26.8</u>
	TOTAL	134.5

3. All terms and conditions of appropriation A-12414 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. 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

August 27, 2019


Gordon W. Fassett, F.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20436 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 20436 were mailed on August 27, 2019, to the following:

James E. Chmelka
340 South Street
Valparaiso, Nebraska 68065

Terrence and Terri Chmelka
2926 County Road D
Valparaiso, Nebraska 68065