

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9399 FOR WATER APPROPRIATION A-11210

AND MAP NUMBER 20792

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11210 is held by Mary K. Berney.
2. Appropriation A-11210 has a priority date of July 24, 1967, and authorizes the use of water for irrigation of the 92.5 acres of land described below. The water may be diverted from Cedar River at points of diversion located on both banks of the stream in the S½NW¼ of Section 01, Township 19 North, Range 09 West of the 6th P.M. in Greeley 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 1.32 cfs from all points of diversion.

<u>Township 19 North, Range 09 West of the</u>		
<u>6th P.M. in Greeley County</u>		<u>Acres</u>
Section 01:	NW¼NW¼	16.0
	NE¼NW¼	22.5
	SW¼NW¼	32.0
	SE¼NW¼	<u>22.0</u>
	TOTAL	92.5

3. On June 28, 2021, Mary K. Berney filed application EXT-9399 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-11210.
4. On September 29, 2021, Mary K. Berney filed map number 20792 showing the land proposed to be irrigated under appropriation A-11210 through transfer EXT-9399.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9399 for a permit for an expedited transfer of the location of use and map number 20792 are APPROVED.

2. Appropriation A-11210 through transfer EXT-9399 authorizes the use of water to irrigate 92.5 acres of land described below and depicted on map number 20792, which is made a part of this Order. The water may be diverted from Cedar River at points of diversion located on both banks of the stream in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 01, Township 19 North, Range 09 West of the 6th P.M. in Greeley County, as depicted on map number 20795. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.32 cfs from all points of diversion (592 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.

Township 19 North, Range 09 West of the
6th P.M. in Greeley County Acres

Section 01:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.9
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	23.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	30.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>20.4</u>
	TOTAL	92.5

3. All terms and conditions of appropriation A-11210 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



October 12, 2021

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 20792 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 20792 were mailed on October 12, 2021, to the following:

Mary K. Berney
PO Box 146
Spalding, Nebraska 68665