

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9615 FOR WATER APPROPRIATION A-10906

AND MAP NUMBER 20961

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10906 is held by the Myron W. and Donneta L. Schmieding Revocable Trust.
2. Appropriation A-10906 has a priority date of July 27, 1966, and authorizes the use of water for irrigation of the 62.0 acres of land described below. The water may be diverted from Lincoln Creek at points of diversion located on both banks of the stream in the S½SW¼ and the left bank of the stream in the SW¼SE¼, both in of Section 26, Township 12 North, Range 01 East of the 6th P.M. in Seward 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 0.89 cfs from all points of diversion.

<u>Township 12 North, Range 01 East of the</u>		
<u>6th P.M. in Seward County</u>		<u>Acres</u>
Section 26:	NE¼SW¼	0.6
	SW¼SW¼	15.6
	SE¼SW¼	12.5
	NW¼SE¼	19.2
	SW¼SE¼	<u>14.1</u>
	TOTAL	62.0

3. On May 16, 2022, Myron W. Schmieding filed application EXT-9615 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-10906 and map number 20961 showing the land proposed to be irrigated under appropriation A-10906 through transfer EXT-9615.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9615 for a permit for an expedited transfer of the location of use and map number 20961 are APPROVED.

2. Appropriation A-10906 through transfer EXT-9615 authorizes the use of water to irrigate 62.0 acres of land described below and depicted on map number 20961, which is made a part of this Order. The water may be diverted from Lincoln Creek at points of diversion located on both banks of the stream in the S $\frac{1}{2}$ SW $\frac{1}{4}$ and the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, both in of Section 26, Township 12 North, Range 01 East of the 6th P.M. in Seward County, as depicted on map number 20961. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.89 cfs from all points of diversion (399 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 12 North, Range 01 East of the 6 th P.M. in Seward County		Acres
Section 26:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	15.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	12.5
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>14.1</u>
	TOTAL	62.0

3. All terms and conditions of appropriation A-10906 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. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
6. 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

June 13, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20961 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 20961 were mailed to the following:

Myron W. and Donneta Schmieding
2032 420th Road
Utica, Nebraska 68456

Todd Schmieding
4090 Davey Road
Gresham, Nebraska 68367