

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-7405 FOR WATER APPROPRIATION A-9876

AND MAP NUMBER 21084

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9876 is held by the Neal R. and Carol A. Sell Trusts.
2. Appropriation A-9876 has a priority date of January 4, 1961, and authorizes the use of water for irrigation of the 84.0 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 07, Township 11 North, Range 03 East of the 6<sup>th</sup> 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 rate of 1.20 cfs.

Township 11 North, Range 03 East of the 6 <sup>th</sup> P.M. in Seward County	Acres
Section 07: SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.1
NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.7
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.2
NW $\frac{1}{4}$ SE $\frac{1}{4}$	25.1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.2
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>11.2</u>
TOTAL	84.0

3. On September 27, 2022, Beth Schulz, Trustee, filed application EXT-7405 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-9876.
4. On October 18, 2022, Brian Schulz filed map number 21084 showing the land proposed to be irrigated under appropriation A-9876 through transfer EXT-7405.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-7405 for a permit for an expedited transfer of the location of use and map number 21084 are APPROVED.

2. Appropriation A-9876 through transfer EXT-7405 authorizes the use of water to irrigate 84.0 acres of land described below and depicted on map number 21084, which is made a part of this Order. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 07, Township 11 North, Range 03 East of the 6<sup>th</sup> P.M. in Seward County, as depicted on map number 21084. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.20 cfs from all points of diversion (539 gallons per minute). The total combined volume of all appropriations 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 11 North, Range 03 East of the 6 <sup>th</sup> P.M. in Seward County		Acres
Section 07:	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	18.2
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	1.6
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	1.6
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	3.6
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	2.0
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	18.3
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	34.2
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>4.5</u>
	TOTAL	84.0

3. All terms and conditions of previous order for appropriation A-9876 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 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



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Thomas E. Riley, P.E., Director

November 16, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21084 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21084 were mailed to the following:

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