STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5237 PETITION RLP-5241

AND MAP 18662 TO CHANGE THE LOCATION OF DIVERSION

FOR WATER APPROPRIATION A-9973

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9973 is held by Max L. and Patricia Waldo.

2. Appropriation A-9973 has a priority date of August 29, 1961, and authorizes the use of water for irrigation of the 66.3 acres of land described below. The water may be diverted from Turkey Creek at a point of diversion located on the left bank of the stream in the NE¼SE¼ of Section 4, Township 5 North, Range 4 East of the 6th P.M. in Saline 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 0.95 cfs.

Township 5 North, Range 4 East of the 6th P.M. in Saline County		Acres
Section 9:	NE¼NE¼	33.3
	SE¼NE¼	33.0
	TOTAL	66.3

3. On October 30, 2014, Max L. Waldo filed in the Department application EXT-5237 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-9973 and map number 18662 showing the land proposed to be irrigated under appropriation A-9973 through transfer EXT-5237.

4. On November 17, 2014, Max L. Waldo filed in the Department petition RLP-5241 for a permit to change the location of diversion for appropriation A-9973.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5237 for a permit for an expedited transfer of the location of use, petition RLP-5241 for a permit to change the location of diversion for appropriation A-9973 and map number 18662 are APPROVED.

2. Appropriation A-9973 through petition RLP-5241 is now A-9973R.

3. Appropriation A-9973R through transfer EXT-5237 authorizes the use of water to irrigate 66.3 acres of land described below and depicted on map number 18662, which is made a part of this Order. The water may be diverted from Turkey Creek at a point of diversion located on the left bank of the stream in the SE¼SW¼ of Section 4, Township 5 North, Range 4 East of the 6th P.M. in Saline County, as depicted on map number 18662. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.95 cfs (426 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 5 North, Range 4 East of the 6th P.M. in Saline County		Acres
Section 3:	SW¼SW¼	12.5
Section 4:	NE¼SE¼	20.0
	SE¼SE¼	33.8
	TOTAL	66.3

4. All terms and conditions of appropriation A-9973 remain in effect unless specifically changed by this Order.

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. This includes, but is 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 Approval 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 an 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

March 26, 2015

James C. Schneider, Ph.D.
Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of $10.

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18662 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18662 were mailed on March 26, 2015, to the following:

Max L. and Patricia Waldo
14144 West Dogwood Road
DeWitt, Nebraska 68341