STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5072 FOR WATER APPROPRIATION A-8850

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8850 is held by David D. Malchow and Paul D. and Julie Marie Malchow.

2. Appropriation A-8850 has a priority date of September 21, 1956, and authorizes the use of water for irrigation of the 66.5 acres of land described below. The water may be diverted from the Big Blue River at a point of diversion in the SW¼NW¼ of Section 23, Township 6 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 6 North, Range 4 East of the 6th P.M. in Saline County		Acres
Section 14:	SW¼SW¼	12.5
Section 23:	NW¼NW¼	39.0
	SW¼NW¼	15.0
	TOTAL	66.5

3. On May 13, 2014, David D. Malchow filed application EXT-5072 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-8850 and map number 18875 showing the land proposed to be irrigated under appropriation A-8850 through transfer EXT-5072.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5072 for a permit for an expedited transfer of the location of use and map number 18875 are APPROVED.

2. Appropriation A-8850 through transfer EXT-5072 authorizes the use of water to irrigate 66.5 acres of land described below and depicted on map number 18875, which is made a part of this Order. The water may be diverted from the Big Blue River at a point of diversion located on the right bank of the stream in the SW¼NW¼ of Section 23, Township 6 North, Range 4 East of the 6th P.M. in Saline County, as depicted on map number 18875. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.95 cfs from all points of diversion (426 gallons per minute). The total volume may not exceed three 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 6 North, Range 4 East of the 6th P.M. in Saline County		Acres
Section 14:	SW¼SW¼	11.4
Section 23:	NW¼NW¼	38.6
	SW¼NW¼	16.5
	TOTAL	66.5

3. All terms and conditions of appropriation A-8850 remain in effect unless specifically changed by this Order.

4. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.

5. 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

September 4, 2014

Brian P. Dunnigan, P.E., 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 18875 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18875 were mailed on September 4, 2014, to the following:

David D. Malchow
12332 East Hickory Road
Filley, Nebraska 68357

Paul D. and Julie Marie Malchow
David D. Malchow
12332 East Hickory Road
Filley, Nebraska 68357