

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19288 AND MAP NUMBER 19322

WATER DIVISION 1-C

BACKGROUND

1. On August 18, 2014, John D. Krogh, on behalf of Krogh and Krogh, Inc., filed in the Department of Natural Resources (Department) application A-19288 for a Permit to Appropriate Water.
2. On August 3, 2015, John D. Krogh filed in the Department map number 19322 showing land proposed to be irrigated under application A-19288.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19288 and map number 19322 are APPROVED subject to the following limitations and conditions:

1. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19288 as depicted on map number 19322 which is made a part of this Order.

Township 02 North, Range 05 West of the
6th P.M. in Nuckolls County Acres

Section 09:	NW ¹ / ₄ NW ¹ / ₄	12.3
	NE ¹ / ₄ NW ¹ / ₄	30.0
	SW ¹ / ₄ NW ¹ / ₄	36.1
	SE ¹ / ₄ NW ¹ / ₄	38.6
	NW ¹ / ₄ NE ¹ / ₄	35.8
	NE ¹ / ₄ NE ¹ / ₄	12.0
	SW ¹ / ₄ NE ¹ / ₄	39.6
	SE ¹ / ₄ NE ¹ / ₄	35.5
	NW ¹ / ₄ SW ¹ / ₄	29.9
	NE ¹ / ₄ SW ¹ / ₄	11.2
	NW ¹ / ₄ SE ¹ / ₄	24.9
	NE ¹ / ₄ SE ¹ / ₄	35.6
	SW ¹ / ₄ SE ¹ / ₄	1.7
	SE ¹ / ₄ SE ¹ / ₄	<u>10.2</u>
	TOTAL	353.4

2. Appropriation A-19288 has a priority date of August 18, 2014, and authorizes the appropriator the use of water for irrigation of the 353.4 acres of land described above. The water may be diverted from Krogh West Pond (storage appropriation A-19287) at a point of diversion located on the left bank of the reservoir in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 09, Township 02 North, Range 05 West of the 6th P.M. in Nuckolls County. Water will be conveyed via underground pipeline into a surge pit and pumphouse located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of the same legal description, where it will be applied through a center pivot irrigation system as depicted on map number 19322.
3. This appropriation will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 42.8 acre-feet per annum.
4. Only the land shown on map number 19322 may be irrigated under appropriation A-19288.
5. A measuring device approved by the Department may be required.
6. Appropriation A-19288 provides supplemental water to storage use appropriation A-19284, owned by Krogh and Krogh, Inc.
7. The appropriator must comply with all relevant statutes. The statutes 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.
8. The appropriator must comply with the following deadlines:
 - A. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19288 must be beneficially used by September 1, 2018.
 - B. After September 1, 2018, a field investigation will be conducted to determine the acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriation A-19288.

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 result in the cancellation of the 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.

DEPARTMENT OF NATURAL RESOURCES

December 22, 2015


Gordon W. Fassett, 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 19322 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 19322 and Surface Water Administration brochure were mailed on December 22, 2015, to the following:

Krogh and Krogh, Inc.
c/o John D. Krogh
4436 Highway 136
Nelson, Nebraska 68961

Scholl Brothers Feedlot
c/o Jeff Scholl
4536 Highway 136
Nelson, Nebraska 68961