

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19478

AND APPROVAL OF MAP NUMBER 20083

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19478 is held by Loup Basin Reclamation District.
2. Appropriation A-19478, with a priority date of October 26, 2016, authorizes the use of water for irrigation of 338.3 acres of land. The water may be diverted from the Middle Loup River from a point of diversion in Section 32, Township 21 North, Range 21 West of the 6th P.M. in Blaine 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 4.83 cfs.
3. The approval of appropriation A-19478 was conditional upon the irrigation of the above land by September 1, 2021.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19478 had not been irrigated by September 1, 2021.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-19478 at the rate of 0.13 cfs for use upon 9.1 acres of land is CANCELLED.

2. Appropriation A-19748 now permits the appropriator to divert water from the Middle Loup River to irrigate the 329.2 acres of land described below and depicted on map number 20892 which is made a part of this Order.

<u>Township 20 North, Range 21 West of the 6th P.M. in Custer County</u>	<u>Acres</u>	<u>Township 20 North, Range 18 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 10: NW ¹ / ₄ NW ¹ / ₄	21.9	Section 33: NE ¹ / ₄ NW ¹ / ₄	1.0
NE ¹ / ₄ NW ¹ / ₄	19.2	SW ¹ / ₄ NW ¹ / ₄	8.0
SW ¹ / ₄ NW ¹ / ₄	28.5	SE ¹ / ₄ NW ¹ / ₄	13.9
SE ¹ / ₄ NW ¹ / ₄	24.7		
Section 13: SW ¹ / ₄ NW ¹ / ₄	0.1	NW ¹ / ₄ NE ¹ / ₄	5.3
		NE ¹ / ₄ NE ¹ / ₄	5.2
NW ¹ / ₄ SW ¹ / ₄	21.4	SW ¹ / ₄ NE ¹ / ₄	5.3
NE ¹ / ₄ SW ¹ / ₄	18.8	SE ¹ / ₄ NE ¹ / ₄	5.2
		Section 35: SE ¹ / ₄ SE ¹ / ₄	15.8
<u>Township 20 North, Range 20 West of the 6th P.M. in Custer County</u>	<u>Acres</u>	<u>Township 20 North, Range 17 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 28: SW ¹ / ₄ SW ¹ / ₄	2.3	Section 31: NW ¹ / ₄ SE ¹ / ₄	10.3
SE ¹ / ₄ SW ¹ / ₄	20.3		
<u>Township 20 North, Range 19 West of the 6th P.M. in Custer County</u>	<u>Acres</u>	<u>Township 19 North, Range 18 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 31: SW ¹ / ₄ SE ¹ / ₄	5.5	Section 03: NE ¹ / ₄ NW ¹ / ₄	13.0
SE ¹ / ₄ SE ¹ / ₄	2.3		
Section 32: SW ¹ / ₄ NW ¹ / ₄	0.4	<u>Township 19 North, Range 17 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
SE ¹ / ₄ NW ¹ / ₄	0.4	Section 13: NE ¹ / ₄ SE ¹ / ₄	10.1
NW ¹ / ₄ SW ¹ / ₄	26.5	SE ¹ / ₄ SE ¹ / ₄	14.1
NE ¹ / ₄ SW ¹ / ₄	25.0	Section 25: SW ¹ / ₄ NE ¹ / ₄	1.5
SE ¹ / ₄ SW ¹ / ₄	0.6	NW ¹ / ₄ SE ¹ / ₄	2.6
		TOTAL	329.2

3. The water may be diverted from the Middle Loup River via the Sargent Canal at a point of diversion in Section 32, Township 21 North, Range 21 West of the 6th P.M. in Blaine County, as depicted on map number 20892. Water diverted shall not exceed a maximum rate of 4.70 cfs (2,109 gallons per minute).
4. All terms and conditions of previous orders for appropriation A-19478 remain in effect unless specifically changed by this Order.
5. 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 and any orders issued by the Director of the Department of Natural Resources 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.

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. If you are not able to divert sufficient amounts of water, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

January 28, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20892 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 20892 were mailed on January 28, 2022, to the following:

Matt Lukasiewicz, General Manager
Loup Basin Reclamation District
P.O. Box 137
Farwell, Nebraska 68838

Sargent Irrigation District
P.O. Box 99
Sargent, Nebraska 68874