

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF ASSIGNMENT OF RIGHTS AOR-9494

DIVIDING APPROPRIATION A-10454R AND MAPS NUMBER 20899 AND 20900

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10454R is currently held by Kube Acres LLC.
2. Appropriation A-10454R has a priority date of October 9, 1964, and authorizes the use of water for irrigation of the 12.4 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 NW¹/₄SW¹/₄ of Section 30, Township 14 North, Range 10 West of the 6th P.M. in Howard County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.18 cfs from all points of diversion.

<u>Township 14 North, Range 10 West of the 6th P.M. in Howard County</u>	<u>Acres</u>
Section 30: NW ¹ / ₄ SW ¹ / ₄	4.0
NE ¹ / ₄ SW ¹ / ₄	<u>8.4</u>
TOTAL	12.4

3. On December 27, 2021, Mike Kube, on behalf of Kube Acres LLC, and Matt Lukasiewicz, General Manager, Loup Basin Reclamation District, filed a notice of assignment of rights AOR-9494 for a portion of surface water appropriation A-10454R when there is a change in the appropriator of record and no change in the ownership of land appurtenant to the appropriation.
4. Because A-10454R is held by two appropriators, the Department has determined that it is in the best interest of the appropriators and the State to divide the water appropriation so that each appropriator's rights are distinguishable.

ORDER

IT IS HEREBY ORDERED:

1. Appropriation A-10454R is divided into two appropriations, A-10454AR and A-10454BR.

2. Appropriation A-10454AR authorizes Kube Acres LLC., the use of water to irrigate the 3.4 acres of land described below and depicted on map number 20899, which is made a part of this Order. Water diverted from Turkey Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.05 cfs (22 gallons per minute).

Township 14 North, Range 10 West of the 6 th P.M. in Howard County	Acres
Section 30: NW ¹ / ₄ SW ¹ / ₄	3.4

3. Appropriation A-10454BR allows the Farwell Irrigation District the use of water to irrigate the 9.0 acres of land described below and depicted on map number 20900, which is made a part of this Order. Water diverted from Turkey Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.13 cfs (58 gallons per minute).

Township 14 North, Range 10 West of the 6 th P.M. in Howard County	Acres
Section 30: NW ¹ / ₄ SW ¹ / ₄	0.6
NE ¹ / ₄ SW ¹ / ₄	<u>8.4</u>
TOTAL	9.0

4. All terms and conditions of previous orders for appropriation A-10454 remain in effect unless specifically changed by this Order.
5. The point of diversion for A-10454AR and A-10454BR remains in the NW¹/₄SW¹/₄ of Section 30, Township 14 North, Range 10 West of the 6th P.M. in Howard County, as depicted on maps number 20899 and 20900. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
6. If the appropriators of A-10454AR and A-10454BR do not have access to the point of diversion, they must either obtain permission from the landowner or file a Petition for Relocation of the Point of Diversion and have it approved by the Department prior to any diversion. This Order does not authorize access to the existing point of diversion.

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 an appropriation for more than five consecutive years may result in cancellation of the appropriation.

These appropriations are not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. These appropriations may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

April 12, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 20899 and 20900 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 20899 and 20900 were mailed to the following:

Mike Kube
2212 W Louise St
Grand Island, Nebraska 68802

Loup Basin Reclamation District
Farwell Irrigation District
P.O. Box 137
Farwell, Nebraska 68838