

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

DISMISSAL OF EXPEDITED TRANSFER EXT-5075 AND  
APPROVAL OF PETITION RLP-5076 TO CHANGE THE LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-10454

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10454 is held by Kube Acres, LLC.
2. Appropriation A-10454 has a priority date of October 9, 1964, and authorizes the use of water for irrigation of 12.4 acres of land. The water may be diverted from Turkey Creek at points of diversion located on left bank of the stream in the N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 30, Township 14 North, Range 10 West of the 6<sup>th</sup> P.M. in Howard County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.18 cfs from all points of diversion.
3. On May 16, 2014, Mike Kube, on behalf of Kube Acres, LLC., filed petition EXT-5075 in the Department for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-10454.
4. On May 16, 2014, Mike Kube filed petition RLP-5076 in the Department to change the location of the diversion for appropriation A-10454 to the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said legal description and pump from groundwater well G-173807 which is less than 50 feet from Turkey Creek and under the direct influence of the stream.
5. On January 5, 2022, Mike Kube filed correspondence in the Department requesting dismissal of EXT-5075.
6. On February 14, 2022, Mike, Kube filed map number 20898 showing the location of the groundwater well diversion under A-10454 through petition RLP-5076.
7. Construction of groundwater well G-173807 has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5075 for an expedited transfer of the location of use is DISMISSED.

2. Petition RLP-5076 for a permit to change the location of diversion for appropriation A-10454 and map number 20898 are APPROVED.
3. Appropriation A-10454 through petition RLP-5076 is now A-10454R.
4. Appropriation A-10454R through RLP-5076 authorizes the use of water to irrigate 12.4 acres of land described below and depicted on map number 20898. The water may be diverted at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, Township 14 North, Range 10 West of the 6<sup>th</sup> P.M. in Howard County, as depicted on map number 20898. Water will be diverted from registered water well G-173807 and shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.18 cfs (81 gallons per minute). The total combined volume may not exceed 3 acre-feet per irrigated acre per year.

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

5. All terms and conditions of appropriation A-10454 remain in effect unless specifically changed by this Order.
6. A measuring device may be required to be installed. If so ordered, the appropriator will install a measuring device approved by the Department within the allotted time specified in the order. Failure to comply with an order to install a measuring device will result in closure of the appropriation.
7. 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 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.

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



April 7, 2022

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Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20898 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 20898 were mailed to the following:

Michael D. Kube  
Kube Acres, LLC  
2212 West Louise  
Grand Island NE, 68803