

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9591 FOR WATER APPROPRIATION A-16935

AND MAP NUMBER 20924

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16935 is held by Kenneth L. and Rita A. Person.
2. Appropriation A-16935 has a priority date of March 2, 1990, and authorizes the use of water for irrigation of the 62.0 acres of land described below. The water may be diverted from Mud (Beaver) Creek at a point of diversion located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 14 North, Range 17 West of the 6th P.M. in Custer 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 0.89 cfs.

| <u>Township 14 North, Range 17 West of the</u> | <u>Acres</u> |
|--|--------------|
| <u>6th P.M. in Custer County</u> | |
| Section 11: NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 3.0 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 28.0 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 25.0 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>6.0</u> |
| TOTAL | 62.0 |

3. On February 28, 2022, Kenneth L. and Rita A. Person filed application EXT-9591 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-16935.
4. On April 4, 2022, Kenneth L. Person filed map number 20924 showing the land proposed to be irrigated under appropriation A-16935 through transfer EXT-9591.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9591 for a permit for an expedited transfer of the location of use and map number 20924 are APPROVED.
2. Appropriation A-16935 through transfer EXT-9591 authorizes the use of water to irrigate 62.0 acres of land described below and depicted on map number 20924, which is made a part of this Order. The water may be diverted from Mud (Beaver) Creek at a point of diversion located on the

left bank of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 14 North, Range 17 West of the 6th P.M. in Custer County, as depicted on map number 20924. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.89 cfs (399 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

| Township 14 North, Range 17 West of the 6 th P.M. in Custer County | | Acres |
|--|-----------------------------------|------------|
| Section 11: | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 1.4 |
| | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 10.1 |
| | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 8.3 |
| | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 8.3 |
| | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 26.2 |
| | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>7.7</u> |
| | TOTAL | 62.0 |

3. All terms and conditions of appropriation A-16935 remain in effect unless specifically changed by this Order.
4. A measuring device, approved by the Department, may be required if so ordered by the Department.
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, 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 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.

DEPARTMENT OF NATURAL RESOURCES



April 22, 2022

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 20924 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 20924 were mailed to the following:

Kenneth L. and Rita A. Person
18414 Ontario Street
Omaha, Nebraska 68130

Dale Zoerb
46290 Hwy 2
Litchfield, Nebraska 68852