

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19854 AND MAP NUMBER 21006

WATER DIVISION 1-D

BACKGROUND

1. On June 7, 2022, John A. and Nicole Shalla, landowners, and Scott Sobotka, on behalf of the Lower Big Blue Natural Resources District, applicant, filed in the Department of Natural Resources (Department) application A-19854 for a Permit to Appropriate Water and map number 21006 showing land proposed to be irrigated under application A-19854.
2. Application A-19854 will utilize water under storage appropriation A-10506 and supplemental storage appropriation A-19853 to supplement irrigation on 123.2 acres of land under natural flow appropriation A-19852.

ORDER

IT IS HEREBY ORDERED that application A-19854 and map number 21006 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-19854 as depicted on map number 21006 which is made a part of this Order.

<u>Township 01 North, Range 06 East of the</u>	<u>Acres</u>
<u>6th P.M. in Gage County</u>	
Section 03: NE $\frac{1}{4}$ SW $\frac{1}{4}$	27.7
SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.5
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.7
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>33.3</u>
TOTAL	123.2

2. Appropriation A-19854 has a priority date of June 7, 2022, and authorizes the appropriator the use of 123.2 acre-feet annually from Big Indian Creek Reservoir 2-B (storage permit A-10506 and supplemental storage appropriation A-19853) from a pump site located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 01 North, Range 06 East of the 6th P.M. in Gage County, as depicted on map number 21006 to divert water for irrigation from this reservoir.
3. Only the land shown on map number 21006 may be irrigated under appropriation A-19854.
4. 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 123.2 acre-feet per annum.

5. Appropriation A-19854 provides supplemental water to irrigate land under appropriation A-19852 with permission of the appropriator, the Lower Big Blue Natural Resources District. The amount of water will be limited to the amount of water beneficially used and will not exceed 123.2 acre-feet per annum of storage use.
6. If during the course of construction of the irrigation project it is determined that there is a difference in the number and/or location of acres from the approved map, an amended project map may be filed for an equal or lesser number of acres prior to the beneficial use investigation deadline. The Department, at its sole discretion, must determine that the change from the original map remains within the original project concept and does not violate any rules and/or statutes and will not harm another appropriator. The amended map may then be approved by Order of the Department for an equal or lesser number of acres of land or amount of water than originally granted
7. A measuring device approved by the Department is required.
8. 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.
9. 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 Order. The water appropriated under A-19854 must be beneficially used by September 1, 2025.
 - B. After September 1, 2025, 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-19854.
10. After September 1, 2025, a field investigation will be conducted to determine the lands where water has been beneficially applied.
 - A. If the entire appropriation is found to have water beneficially applied, a Certificate of Perfected Appropriation will be issued by the Department for A-19854.

- B. If a portion of the appropriation is found to have had water beneficially applied within the original project concept the Department may, at its discretion, modify the project map and land listing to represent the conditions found during the field investigation. The number of acres and diversion rate determined by the Department will not exceed what is granted by this Order. A Certificate of Perfected Appropriation specifying the final number of acres, location of acres and diversion rate will be issued by the Department for A-19854.
- C. If no portion of the appropriation is found to have water beneficially applied, the Department will issue an Order of Cancellation in Full for A-19854.

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 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



Thomas E. Riley, P.E., Director

August 25, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21006 were provided to the Department's field office in Lincoln, Nebraska and mailed to the following:

John A. and Nicole Shalla
813 West Spruce Road
Wymore, Nebraska 68466

Scott Sobotka, Manager
Lower Big Blue Natural Resources District
805 Dorsey Street
Beatrice, Nebraska 68310