

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19870 AND MAP NUMBER 21069

WATER DIVISION 1-F

BACKGROUND

On September 7, 2022, Stephen A. Kean, on behalf of EP, Inc., filed in the Department of Natural Resources (Department) application A-19870 for a Permit to Appropriate Water and map number 21069 showing land proposed to be irrigated under application A-19870.

ORDER

IT IS HEREBY ORDERED that application A-19870 and map number 21069 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-19870 as depicted on map number 21069 which is made a part of this Order.

Township 02 North, Range 14 East of the	
<u>6<sup>th</sup> P.M. in Richardson County</u>	<u>Acres</u>
Section 14: NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.3
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>1.7</u>
TOTAL	5.0

2. Appropriation A-19870 has a priority date of September 7, 2022, and authorizes the appropriator the use of 0.8 acre-foot annually from Kean Pond 2 (storage permit A-19430) from a pump site located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 14, Township 02 North, Range 14 East of the 6<sup>th</sup> P.M. in Richardson County, as depicted on map number 21069.
3. Only the land shown on map number 21069 may be irrigated under appropriation A-19870.
4. 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.

5. 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 0.8 acre-foot per annum.
6. A measuring device approved by the Department is required.
7. 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).
8. The appropriator must comply with the following deadlines:
  - A. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
  - B. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19870 must be beneficially used by September 1, 2025.
9. 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-19870.
  - 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-19870.
  - 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-19870.

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 Approval 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



October 25, 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 21069 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21069 were mailed to the following:

EP, Inc.  
Stephen A. and Geri E. Kean  
64092 712 Road  
Dawson, Nebraska 68337