

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-9713 AND MAP 21055 TO CHANGE THE LOCATION OF

DIVERSION FOR WATER APPROPRIATION A-407

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-407 is held by Cross Creek Farms, Inc.
2. Appropriation A-407 has a priority date of September 10, 1897, and authorizes the use of water for irrigation of 215 acres of land. The water may be diverted from Horse Creek at the headgate of State Line Ditch located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, Township 23 North, Range 58 West of the 6<sup>th</sup> P.M. in Scotts Bluff 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 3.07 cfs.
3. On July 29, 2022, Jason S. Beeson, on behalf of Cross Creek Farms, Inc., filed petition RLP-9713 in the Department for a permit to change the location of diversion for appropriation A-407.
4. On August 15, 2022, Jason S. Beeson filed map number 21055 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-407 through petition RLP-9713.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-9713 for a permit to change the location of diversion for appropriation A-407 and map number 21055 are APPROVED.
2. Appropriation A-407 through petition RLP-9713 is now A-407R.
3. Appropriation A-407R shall be shown in the Department's records authorizing the use of water to irrigate 215 acres of land described below and depicted on map number 21055, which is made a part of this Order. The water may be diverted from Horse Creek at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, Township 23 North, Range 58 West of the 6<sup>th</sup> P.M. in Scotts Bluff County,

as depicted on map number 21055. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 3.07 cfs (1,378 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 23 North, Range 58 West of the</u>		
<u>6<sup>th</sup> P.M. in Scotts Bluff County</u>		<u>Acres</u>
Section 27:	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	40
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	40
Section 26:	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	40
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	40
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	35
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	<u>20</u>
TOTAL		215

4. All terms and conditions of appropriation A-407 remain in effect unless specifically changed by this Order.
5. 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




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Thomas E. Riley, P.E., Director

November 9, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21055 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 21055 were mailed to the following:

Jason S. Beeson  
Cross Creek Farms, Inc.  
40643 Holloway Road  
Lyman, Nebraska 69352