

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19889 AND MAP NUMBER 21139

WATER DIVISION 2-C

BACKGROUND

1. On January 17, 2023, Matt and Jill Keating, on behalf of Keating Land & Cattle, LLC, filed in the Department of Natural Resources (Department) application A-19889 for a Permit to Appropriate Water.
2. On March 20, 2023, Matt Keating filed in the Department map number 21139 showing location of use under application A-19889.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19889 and map number 21139 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to the Niobrara River.
2. The water shall be used for domestic purposes to provide water for livestock.
3. Appropriation A-19889 has a priority date of January 17, 2023, and authorizes the appropriator the use of water for domestic purposes. Water will be transported to various locations via a galvanized tank to fill stock tanks for watering livestock. The water may be diverted from a tributary to the Niobrara River at a point of diversion located in the NW¹/₄NW¹/₄ of Section 12, Township 33 North, Range 14 West of the 6th P.M. in Holt County, as depicted on map number 21139 which is made a part of this Order. Water diverted shall not exceed the rate of 0.11 cubic foot per second (50 gallons per minute).
4. 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).

5. The appropriator must comply with the following deadlines:
- A. The appropriation is not considered perfected until water has been beneficially used for the purpose stated in this Order. The water appropriated under A-19889 must be beneficially used by September 1, 2025.
 - B. After September 1, 2025, a field investigation will be conducted to determine that water has been beneficially used.
 - C. If the appropriation is found to have water beneficially used, a Certificate of Perfected Appropriation will be issued by the Department for A-19889.
 - D. If no portion of the appropriation is found to have water beneficially used, the Department will issue an Order of Cancellation in Full for A-19889.

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.

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. If in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES



March 30, 2023

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 21139 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 21139 and Surface Water Administration brochure were mailed to the following:

Matt and Jill Keating
Keating Land & Cattle LLC
29 Rolling Hills Road
Kearney, Nebraska 68845