

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF AMENDED PROJECT MAP NUMBER 21168 FOR APPLICATION A-19867

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-19867 is held by Donald L. and Janet E. Harms.
2. Appropriation A-19867 has a priority date of August 1, 2022, and authorizes the use of water for irrigation of the 132.8 acres of land described below. The water may be diverted from Brownell Creek at a point of diversion located on the left bank of the stream in the NW¹/₄NE¹/₄ of Section 35, Township 08 North, Range 11 East of the 6th P.M. in Otoe County, as depicted on map number 21051. Water diverted shall not exceed the ration of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.90 cfs.

<u>Township 08 North, Range 11 East of the 6th P.M. in Otoe County</u>	<u>Acres</u>
Section 35: NW ¹ / ₄ NE ¹ / ₄	33.3
NE ¹ / ₄ NE ¹ / ₄	32.4
SW ¹ / ₄ NE ¹ / ₄	33.8
SE ¹ / ₄ NE ¹ / ₄	<u>33.3</u>
TOTAL	132.8

3. Conditions in the Order of approval for appropriation A-19867 provided that 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.
4. On March 29, 2023, Derek R. Harms timely filed amended project map number 21168 depicting a change in the delivery system and number of irrigated acres.

ORDER

IT IS HEREBY ORDERED that project map number 21051 is cancelled and amended project map number 21168 for appropriation A-19867 is approved:

1. Appropriation A-19867 through amended project map number 21168 authorizes the use of water to irrigate the 116.2 acres of land described below and depicted on map number 21168, which is made a part of this Order. The water may be diverted from Brownell Creek at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 08 North, Range 11 East of the 6th P.M. in Otoe County, as depicted on map number 21168. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.66 cfs (745 gallons per minute). The total volume may not exceed three 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..

<u>Township 08 North, Range 11 East of the 6th P.M. in Otoe County</u>	<u>Acres</u>
Section 35: NW $\frac{1}{4}$ NE $\frac{1}{4}$	31.5
NE $\frac{1}{4}$ NE $\frac{1}{4}$	18.8
SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.4
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>33.5</u>
TOTAL	116.2

2. All terms and conditions of appropriation A-19867 remain in effect unless specifically changed by this Order.
3. 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 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.

DEPARTMENT OF NATURAL RESOURCES



May 12, 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 21168 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 21168 were mailed to the following:

Donald L & Janet E. Harms
3558 N Road
Syracuse , Nebraska 68446