

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION EXT-9973

FOR WATER APPROPRIATION A-13927 AND MAP NUMBER 21188

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13927 is held by Dale and Sandra M. Rocker.
2. Appropriation A-13927 has a priority date of January 6, 1976, and authorizes the use of water for irrigation of the 166.0 acres of land described below. The water may be diverted from Lincoln Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 11 North, Range 03 East of the 6th P.M. in Seward 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 2.37 cfs.

<u>Township 11 North, Range 03 East of the</u>		
<u>6th P.M. in Seward County</u>		<u>Acres</u>
Section 19:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	27.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	23.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.6
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>38.0</u>
	TOTAL	166.0

3. On May 5, 2023, Dale and Sandra M. Rocker filed in the Department EXT-9973 for an expedited transfer of the location of use to add a location of diversion for land authorized to be irrigated by appropriation A-13927 and map number 21188 showing land proposed to be irrigated and points of diversion under A-13967 through transfer EXT-9973.

CONCLUSION

The Department's experience indicates that moving a water appropriations' point of diversion creates the possibility that during times of shortage, other water appropriators may be harmed. The Department should reserve the right to make water administration adjustments to prevent harm.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9973 for a permit for a transfer of the location of use and map number 21188 are APPROVED.

2. Appropriation A-13927 authorizes the use of water to irrigate 166.0 acres of land described below and depicted on map number 21188, which is made a part of this Order. The water may be diverted from Lincoln Creek at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 11 North, Range 03 East of the 6th P.M. in Seward County, as depicted on map number 21188. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 2.37 cfs (1,064 gallons per minute) from all points of diversion.

Township 11 North, Range 03 East of the 6 th P.M. in Seward County		Acres
Section 19:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	23.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	13.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	26.6
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	16.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	28.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>20.1</u>
	TOTAL	166.0

3. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated not to exceed 2.37 cubic feet per second from all points of diversion nor the least amount of water necessary for the production of crops in the exercise of good husbandry. Therefore, in any year when less than the maximum permitted acres are being irrigated, the quantity of water diverted at any time may be restricted to 1/70 cfs for each permitted acre being irrigated that year. This appropriation of water under any circumstance shall be limited annually to three acre-feet per acre of land on which water is actually and beneficially applied..
4. To prevent harm to other appropriators during times of shortage, restrictions may be placed on the use of the additional (upstream) point of diversion authorized under this approval. Adjustments relative to restrictions facilitated by this paragraph will only be made if the negative effects are due to use of the additional diversion point.
5. A measuring device approved by the Department is required for both approved diversion points. Contact the Lincoln Field Office before acquiring a measuring device to ensure the devices will be acceptable.
6. 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 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 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



Thomas E. Riley, P.E., Director

July 17, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21188 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21188 were mailed to the following:

Dale and Sandra Rocker
313 Wildwood
Seward, Nebraska 68434

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