

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19922 AND MAP NUMBER 21199

WATER DIVISION 1-F

BACKGROUND

1. On May 1, 2023, Brandon Sullwold, on behalf of Rick Jones, filed in the Department of Natural Resources (Department) application A-19922 for a Permit to Appropriate Water.
2. On June 15, 2023, Rick Jones filed in the Department map number 21199 showing land proposed for wetland enhancement under application A-19922.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19922 and map number 21199 are APPROVED subject to the following limitations and conditions:

1. Appropriation A-19922 has a priority date of May 1, 2023, and authorizes the appropriator the use of 2.0 cubic feet per second (cfs) (898 gallons per minute) of water for wetland enhancement, not to exceed a maximum of 24.8 acre feet per year. The water may be diverted from Buck Creek at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 22, Township 06 North, Range 15 East of the 6<sup>th</sup> P.M. in Nemaha County, as depicted on map number 21199.
2. Approval of this permit is based on the information included and representations made in application A-19922. That information and those representations are considered terms of this approval, to which the applicant must adhere.
3. A measuring device approved by the Department is required. Contact the Lincoln Field Office before acquiring a measuring device to ensure the device will be acceptable.
4. Within two weeks after the first diversion of water under this application the appropriator must file written notice with the Lincoln Field Office informing the Department that the first diversions have occurred. The written communication must be signed by the appropriator and may be delivered by U.S. Postal Mail, hand delivered or sent via e-mail attachment to the Lincoln Field Office Supervisor.
5. 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).
6. 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 Order. The water appropriated under A-19922 must be beneficially used by September 1, 2026.
  - C. After September 1, 2026, a field investigation will be conducted to determine the beneficial use of the appropriation, after which an Order of cancellation will be issued for any unused portions of appropriation A-19922.

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



---

Thomas E. Riley, P.E., Director

July 12, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21199 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 21199 and Surface Water Administration brochure were mailed to the following:

Rick Jones  
64770 730 Road  
Brownville, Nebraska 68321

Brandon Sullwold  
64657 730A Road  
Brownville, Nebraska 68321