

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9553 FOR WATER APPROPRIATION A-16085

AND MAP NUMBER 20955

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16085 is held by Jon T. and Janella P. Weitzenkamp.
2. Appropriation A-16085 has a priority date of April 8, 1982, and authorizes the use of water for irrigation of the 60.2 acres of land described below. The water may be diverted from Logan Creek Dredge at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 20 North, Range 08 East of the 6th P.M. in Dodge 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 0.86 cfs.

Township 20 North, Range 08 East of the	
<u>6th P.M. in Dodge County</u>	
	<u>Acres</u>
Section 20: SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.8
SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.0
Section 29: NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.3
NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>32.1</u>
TOTAL	60.2

3. On January 27, 2022, Jon T. Weitzenkamp filed application EXT-9553 for a permit for an expedited transfer of the location of use for the 60.2 acres of land authorized to be irrigated by appropriation A-16085.
4. On January 22, 2024, Jon T. Weitzenkamp filed map number 20955 showing the land proposed to be irrigated under appropriation A-16085 through transfer EXT-9553.
5. This transfer application and associated map has been submitted, along with a transfer application for A-19642 held by Jon T. and Janella P. Weitzenkamp and map number 20953, requesting that the 60.2 acres under A-16085 and the 173.4 acres under A-19642 be spread to cover the 233.6 total acres under these two permits. They will be geometrically coincident with each other, or in a "stacked" configuration, for convenience of operation during times of shortage with distinct priority dates and instantaneous diversion rates.

CONCLUSIONS

During times of shortage proper distribution of water supplies can best be made with the aid of a suitable measuring device. Multiple appropriations with varying priority dates serving the same land would render a visual inspection of the irrigation project inconclusive for determining compliance with a closing notice of a junior appropriation. Therefore, a measuring device should be required if any of the aforementioned stacked appropriations are subject to a closing or regulating notice.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9553 for a permit for an expedited transfer of the location of use and map number 20955 are APPROVED.
2. Appropriation A-16085 through transfer EXT-9553 authorizes the use of water to irrigate 233.6 acres of land described below and depicted on map number 20955, which is made a part of this Order. The water may be diverted from Logan Creek Dredge at a point of diversion located on the right bank of the stream in the NW¹/₄NE¹/₄ of Section 29, Township 20 North, Range 08 East of the 6th P.M. in Dodge County. Water diverted shall not exceed the ratio of one cfs for every 272 acres irrigated at a maximum rate of 0.86 cfs (386 gallons per minute). The total combined volume of all appropriations 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.

Township 20 North, Range 07 East of the
6th P.M. in Dodge County Acres

Section 25:	NW ¹ / ₄ NE ¹ / ₄	0.1
	NE ¹ / ₄ NE ¹ / ₄	32.6
	SW ¹ / ₄ NE ¹ / ₄	0.1
	SE ¹ / ₄ NE ¹ / ₄	33.4

Township 20 North, Range 08 East of the
6th P.M. in Dodge County Acres

Section 20:	SW ¹ / ₄ SW ¹ / ₄	9.9
	SE ¹ / ₄ SW ¹ / ₄	15.3
	SW ¹ / ₄ SE ¹ / ₄	<u>14.0</u>
Section 29	NW ¹ / ₄ SW ¹ / ₄	17.2
	NE ¹ / ₄ SW ¹ / ₄	22.0
	SW ¹ / ₄ SW ¹ / ₄	22.7
	SE ¹ / ₄ SW ¹ / ₄	34.2
	NW ¹ / ₄ NE ¹ / ₄	<u>32.1</u>
	TOTAL	233.6

3. Appropriation A-19642 through transfer EXT-9554 provides additional water to land approved for irrigation under appropriation A-16085 through transfer EXT-9553.

4. The total amount of water diverted for the 233.6 acres under appropriations A-16085 and A-19642 may not exceed three acre-feet annually nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
5. All terms and conditions of appropriation A-16085 remain in effect unless specifically changed by this Order.
6. A measuring device approved by the Department is required. Contact the Norfolk Field Office before acquiring a measuring device to ensure the device will be acceptable.
7. 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

February 13, 2024

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20955 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 20955 were mailed to the following:

Jon T. and Janella P. Weitzenkamp
191 County Road 19
Hooper, Nebraska 68031