

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19876 AND MAP NUMBER 21040

WATER DIVISION 2-A

BACKGROUND

On September 19, 2022, Bernard J. Glos, Office Administrator, Twin Loups Reclamation District (District), filed in the Department of Natural Resources (Department) application A-19876 for a Permit to Appropriate Water and map number showing land proposed to be irrigated under application A-19876.

ORDER

IT IS HEREBY ORDERED that application A-19876 and map number 21040 are APPROVED subject to the following limitations and conditions:

1. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19876 as depicted on map number 21040 which is made a part of this Order.

Township 15 North, Range 11 West of the
6th P.M. in Howard County Acres

Section 04: NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.9

Township 15 North, Range 10 West of the
6th P.M. in Howard County Acres

Section 14: NW $\frac{1}{4}$ SW $\frac{1}{4}$ 21.4

Section 15: NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.3
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.5

TOTAL 53.1

2. Appropriation A-19876 has a priority date of September 19, 2022, and authorizes the appropriator the use of storage water from Calamus Reservoir (storage appropriation A-9517) from a point of diversion located at the headgate of the Mirdan Canal in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 06, Township 21 North, Range 16 West of the 6th P.M. in Garfield County.
3. Appropriation A-19876 will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
4. The Department has determined that the most efficient manner of administration for storage use appropriations granted from Calamus

Reservoir under storage appropriation A-9517 is to limit the cumulative amount of water diverted to not exceed 99,754 acre-feet, the total amount available under appropriation A-9517.

5. Water use under appropriation A-19876 in combination with all other appropriations granted from storage appropriation A-9517 shall not exceed 99,754 acre-feet of water.
6. Only the land shown on map number 21040 may be irrigated under appropriation A-19876 unless a change is authorized by subsequent Order of the Department.
7. 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. The Department, at its sole discretion, must determine that the change from the original map remains within the original project concept and does not violate any rules and/or statutes and will not harm another appropriator. The amended map may then be approved by Order of the Department for an equal or lesser number of acres of land or amount of water than originally granted.
8. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
 - A. Receiving approval prior to taking any action that changes the location of the point of diversion, a transfer of the location of the place of use, a relinquishment of a portion of the appropriation, the type of use, or the type of appropriation.
 - B. Notify the Department of Natural Resources of any reassignment of relinquished portions of an appropriation.
 - C. Comply with all relevant notices and orders of the Department.
9. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19876 must be beneficially used by September 1, 2027.
10. After September 1, 2027, a field investigation will be conducted to determine the lands where water has been beneficially applied.
 - A. If the entire appropriation is found to have water beneficially applied, a Certificate of Perfected Appropriation will be issued by the Department for A-19876.
 - B. If a portion of the appropriation is found to have had water beneficially applied within the original project concept the Department may, at its discretion, modify the project map and land listing to represent the conditions found during the field investigation. The number of acres and diversion rate determined by the Department will not exceed what is granted by this Order. A Certificate of Perfected Appropriation specifying the final number of acres, location of acres and diversion rate will be issued by the Department for A-19876.

- C. If no portion of the appropriation is found to have water beneficially applied, the Department will issue an Order of Cancellation in Full for A-19876.

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 Approval 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.

DEPARTMENT OF NATURAL RESOURCES



June 5, 2024

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 21040 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21040 were mailed to the following:

Mike Wells, Manager
Twin Loups Reclamation District
P.O. Box 98
Scotia, Nebraska 68875

Aaron M. Thompson, Area Manager
Bureau of Reclamation
1706 West 3rd Street
McCook, Nebraska 69001