

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-20014 AND MAP NUMBER 21419

WATER DIVISION 1-D

BACKGROUND

1. On May 3, 2024, Rick Gerlach, on behalf of Beverly Banks, filed in the Department of Natural Resources (Department) application A-20014 for a Permit to Appropriate Water.
2. On May 16, Rick Gerlach filed in the Department map number 21419 showing location of use under application A-20014.

ORDER

IT IS HEREBY ORDERED that application A-20014 and map number 21419 are APPROVED subject to the following limitations and conditions:

1. The source of water is Clatonia Creek.
2. The water shall be used for domestic purposes to provide water for livestock.
3. The priority date is May 3, 2024.
4. Water may be diverted from Clatonia Creek at a point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 06 North, Range 05 East of the 6th P.M. in Gage County, as depicted on map number 21419 which is made a part of this Order. Water shall be pumped to a stock tank located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 in said legal description. Water diverted shall not exceed the rate of 0.11 cubic foot per second (50 gallons per minute).
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 appropriation is not considered perfected until water has been beneficially used for the purpose stated in this Order. The water appropriated under A-20014 must be beneficially used by September 1, 2027.
 - B. After September 1, 2027, a field investigation will be conducted to determine that water has been beneficially used.
 - C. If the appropriation is found to have water beneficially used, a Certificate of Perfected Appropriation will be issued by the Department for A-20014.
 - D. If the appropriation is found to not have water beneficially used, the Department will issue an Order of Cancellation for A-20014.

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

June 7, 2024

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21419 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 21419 and Surface Water Administration brochure were mailed to the following:

Beverly Banks
307 East Filmore Avenue
DeWitt, Nebraska 68341

Rick Gerlach
Gerlach, Inc.
11365 SW 114th Road
DeWitt, Nebraska 68341