

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF PETITION RLP-11286 AND MAP NUMBER 21641

TO ADD A LOCATION OF DIVERSION FOR WATER APPROPRIATION A-12044

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-12044 is held by Mars Family Farms LLC.
2. Appropriation A-12044 has a priority date of August 3, 1970, and authorizes the use of water for irrigation of 61.7 acres of land. The water may be diverted from the North Fork of the Little Nemaha River at points of diversion located in the SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 29, Township 09 North, Range 12 East of the 6th P.M. in Otoe County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.89 cfs from all points of diversion.
3. On June 4, 2025, Roger Ross, on behalf of Mars Family Farms LLC, filed petition RLP-11286 in the Department for a permit to add a location of diversion for appropriation A-12044.
4. On August 5, 2025, Roger Ross filed map number 21641 showing the location of the pump sites and the land to be irrigated under appropriation A-12044 through petition RLP-11286.
5. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-11286 for a permit to add a location of diversion for appropriation A-12044 and map number 21641 are APPROVED.
2. Appropriation A-12044 through petition RLP-11286 authorizes the use of water to irrigate 61.7 acres of land described below and depicted on map number 21641, which is made a part of this Order. The water may be diverted from the North Fork of the Little Nemaha River at points of diversion located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, all in Township 09 North, Range 12 East of the 6th P.M. in Otoe County, as depicted on map number 21641.

Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.89 cfs (399 gallons per minute) from all points of diversion. The total combined volume may not exceed 3 acre-feet per irrigated acre per year.

Township 09 North, Range 12 East of the
6th P.M. in Otoe County

	Acres
Section 29: NW $\frac{1}{4}$ SW $\frac{1}{4}$	25.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	34.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.4
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>0.3</u>

TOTAL 61.7

3. All terms and conditions of previous orders for appropriation A-12044 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is 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 Department, 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 an 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 WATER, ENERGY, AND ENVIRONMENT



September 3, 2025

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21641 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21641 were mailed to the following:

Roger Ross
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