

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19894

AND APPROVAL OF MAP NUMBER 21664

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-19894 is held by DOS Properties, Inc.
2. Appropriation A-19894 has a priority date of **January 30, 2023**, and authorizes the use of water for irrigation of the **85.5 acres** of land described below. The water may be diverted from the **North Fork of the Big Nemaha River** at points of diversion located on the right bank of the stream in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, both in Township 05 North, Range 11 East of the 6th P.M. in Johnson 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 **1.22 cfs** from all points of diversion. The total annual volume may not exceed **three acre-feet per acre of land** on which water is actually and beneficially applied.

Township 05 North, Range 11 East of the
6th P.M. in Johnson County Acres

Section 19:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
Section 20:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>17.5</u>
	TOTAL	85.5

3. The approval of appropriation A-19894 was conditional upon the irrigation of the above land by September 1, 2025.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19894 had not been irrigated by September 1, 2025.
5. Nebraska Revised Statutes § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

IT IS HEREBY ORDERED

1. Part of appropriation A-19894 at a rate of **0.65 cfs** for use upon **45.3 acres** of land is **CANCELLED**.

2. **Authorized Land for Irrigation After BUC-11478**

Appropriation A-19894 now permits the appropriator to divert water from the **North Fork of the Big Nemaha River** to irrigate the **40.2 acres** of land described below and depicted on map number 21664 which is made a part of this Order.

Township 05 North, Range 11 East of the 6 th P.M. in Johnson County		Acres
Section 19:	SW ¹ / ₄ SE ¹ / ₄	20.1
	SE ¹ / ₄ SE ¹ / ₄	<u>20.1</u>
TOTAL		40.2

3. **Diversion Rate**

The water may be diverted from the **North Fork of the Big Nemaha River** at a point of diversion located on left bank of the stream in the **SE¹/₄SE¹/₄ of Section 19, Township 05 North, Range 11 east of the 6th P.M. in Johnson County**, as depicted on map number 21664. Water diverted shall not exceed a maximum rate of **0.57 cfs (256 gallons per minute)**.

4. **Terms & Conditions of Previous Order(s)**

All terms and conditions of the approval of appropriation A-19894 remain in effect unless specifically changed by this Order.

5. **Ongoing Statutory Requirements**

The appropriator must:

- 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 applicable laws, Department Orders, or the terms of this Order may result in cancellation, suspension, administrative penalties, or criminal prosecution.

Under Nebraska law, failure to use a portion or all of a perfected appropriation for **more than five consecutive years** for its approved purpose may result in its cancellation.

This appropriation **does not guarantee** water availability. Senior appropriations have legal priority. If insufficient water is available, junior appropriators may be closed. Appropriators may request enforcement action by contacting the local field office.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



November 6, 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 21664 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21664 were mailed to the following:

Scott Rogge
DOS Properties Inc.
1248 O Street Suite 1080
Lincoln, Nebraska 68508