

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF APPLICATION A-19026 AND MAP NUMBER 18461

WATER DIVISION 2-C

BACKGROUND

1. On February 19, 2013, Brad Fehr, on behalf of Riverview, LLP, filed in the Department of Water, Energy, and Environment (Department) application A-19026 for a Permit to Appropriate Water.
2. On March 22, 2013, Brad Fehr filed in the Department map number 18461 showing land proposed to be irrigated under application A-19026.

ORDER

**IT IS HEREBY ORDERED** that application A-19026 and map number 18461 are APPROVED subject to the following limitations and conditions:

1. **Authorized Land for Irrigation**

The following land, as shown on map number 18461, which is made a part of this Order, is authorized for irrigated under surface water appropriation A-19026:

| Township 33 North, Range 14 West of the<br>6 <sup>th</sup> P.M. in Holt County |                                                               | Acres |
|--------------------------------------------------------------------------------|---------------------------------------------------------------|-------|
| Section 07:                                                                    | NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> | 16.0  |
|                                                                                | NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> | 35.8  |
|                                                                                | SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> | 16.8  |
|                                                                                | SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> | 37.1  |
|                                                                                | NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> | 28.3  |
|                                                                                | NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> | 33.0  |
|                                                                                | SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> | 29.7  |
|                                                                                | SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> | 34.2  |
| TOTAL                                                                          |                                                               | 230.9 |

2. **Priority and Diversion Rate**

Appropriation A-19026 has a priority date of **February 19, 2013**. It authorizes the diversion of up to **3.30 cubic feet per second (cfs)** (1481 gallons per minute) from **the Niobrara River** at a diversion point on **the right bank of the stream in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 03, Township 33 North, Range 15 West of the 6<sup>th</sup> P.M. in Holt County**, as depicted on map number 18461.

3. **Maximum Diversion Limits**

Water may be diverted at a rate of no more than **one cfs for every 70 acres**, not to exceed **3.30 cfs**, and only the amount necessary for good husbandry. If fewer than 230.9 acres are irrigated in a given year, the diversion rate shall be limited proportionally. The annual volume is limited to **three acre-feet per acre** actually and beneficially irrigated.

**4. Authorized Land Only**

Only the land shown on map number 18461 may be irrigated under this appropriation unless a modification is authorized by subsequent Order of the Department.

**5. Amended Map Option**

If construction reveals differences in acreage or location, an amended map for an equal or lesser number of acres may be submitted before the beneficial use deadline. The Department must determine that the changes fall within the original project concept and do not adversely impact other appropriators. Approval may be granted by subsequent Order.

**6. Measuring Device Requirement**

A measuring device, approved by the Department and at the Appropriator's expense, **may be required** if Ordered by the Department.

**7. Ongoing Compliance 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).

**8. Construction and Use Deadlines**

- A. The appropriator must proceed diligently with construction, barring unavoidable natural delay.
- B. Water must be beneficially applied for the purpose stated in this Order by **September 1, 2028**, to perfect the appropriation.

**9. Field Investigation**

- A. After **September 1, 2028**, a field investigation will be conducted to determine the acres irrigated, after which an Order of cancellation will be issued for any unused portions of appropriation A-19026.
- A. If a portion of the appropriation is found to have had water beneficially applied within the scope of the original project concept, the Department may, at its discretion, modify the project map and land listing to reflect the conditions observed during the field investigation. However, the number of acres and the diversion rate determined by the Department will not exceed the limits granted by this Order. If no portion of the appropriation is found to have had water beneficially applied, the Department will issue an Order of Cancellation in Full for this appropriation.

**ADDITIONAL INFORMATION**

Failure to comply with applicable laws, Department Orders, or the terms of this Order may result in cancellation, suspension, administrative penalties, and/or criminal prosecution.

Under Nebraska law, **nonuse** of a perfected appropriation for **more than five consecutive years** 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



February 19, 2026

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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 18461 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 18461 and Surface Water Administration brochure were mailed to the following:

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