

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19477 AND MAP NUMBER 19752

WATER DIVISION 2-A

BACKGROUND

1. On October 26, 2016, Matt Lukasiewicz, General Manager of both Loup Basin Reclamation District and Farwell Irrigation District, filed in the Department of Natural Resources (Department) application A-19477 for a Permit to Appropriate Water.
2. On December 7, 2016, Matt Lukasiewicz filed in the Department map number 19752 showing land proposed to be irrigated under application A-19477.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19477 and map number 19752 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-19477 as depicted on map number 19752 which is made a part of this Order.

<u>Township 15 North, Range 12 West of the</u> <u>6<sup>th</sup> P.M. in Howard County</u>	<u>Acres</u>	<u>Township 15 North, Range 11 West of the</u> <u>6<sup>th</sup> P.M. in Howard County</u>	<u>Acres</u>
Section 07: NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	20.4	Section 30: NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	8.9
SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	3.8	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	11.4
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	3.1	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	25.2
		NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	7.5
<u>Township 15 North, Range 12 West of the</u> <u>6<sup>th</sup> P.M. in Howard County</u> <th><u>Acres</u></th> <td>Section 32: NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub></td> <td>13.2</td>	<u>Acres</u>	Section 32: NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	13.2
Section 23: NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	4.2	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	0.5
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	15.5	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	28.4
Section 36: NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	6.7		
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	2.7		

Township 14 North, Range 13 West of the 6 <sup>th</sup> P.M. in Sherman County	Acres	Township 14 North, Range 12 West of the 6 <sup>th</sup> P.M. in Howard County	Acres
Section 09: NE $\frac{1}{4}$ SE $\frac{1}{4}$	9.3	Section 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.6
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.1
Section 11: NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.0	Township 14 North, Range 11 West of the 6 <sup>th</sup> P.M. in Howard County	Acres
Section 15: NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.6		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.5	Section 08: NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.7
Section 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$	18.6	Township 13 North, Range 12 West of the 6 <sup>th</sup> P.M. in Howard County	Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.6		
Township 14 North, Range 12 West of the 6 <sup>th</sup> P.M. in Howard County	Acres	Section 02: NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.3
Section 17: NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.8	Section 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.8
SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.4	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.3
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.6	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.9
Section 21: NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.4	SE $\frac{1}{4}$ NE $\frac{1}{4}$	2.8
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.8	Township 13 North, Range 11 West of the 6 <sup>th</sup> P.M. in Howard County	Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.4		
Section 22: NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.4	Section 16: NE $\frac{1}{4}$ NW $\frac{1}{4}$	13.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	31.2	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.0
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	17.6
		TOTAL	340.2

2. Appropriation A-19477 has a priority date of October 26, 2016, and authorizes the appropriator the use of 340.2 acre-feet annually from Sherman Reservoir (storage appropriation A-4923B) via the headgate of the Farwell Irrigation District Main Canal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 01, Township 15 North, Range 14 West of the 6<sup>th</sup> P.M. in Sherman County, as depicted on map number 19752.
3. Only the land shown on map number 19752 may be irrigated under appropriation A-19477 unless a change is authorized by subsequent Order of the Department.
4. A measuring device, approved by the Department, may be required if so ordered by the Department.
5. The appropriator must comply with all relevant statutes. The statutes include, but are 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 assignment of relinquished portions of an appropriation.
  - C. Comply with all relevant notices and orders of the Department.

6. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19477 must be beneficially used by September 1, 2021.
7. After September 1, 2021, 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-19477.
  - 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-19477.
  - 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-19477.

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

January 30, 2019

  
Gordon W. Fassett P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19752 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19752 were mailed on January 30, 2019, to the following:

Matt Lukasiewicz, General Manager	Farwell Irrigation District
Loup Basin Reclamation District	P.O. Box 137
P.O. Box 137	Farwell, Nebraska 68838
Farwell, Nebraska 68838	