

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19645 AND MAP NUMBER 20427

WATER DIVISION 2-A

BACKGROUND

1. On May 17, 2019, Ross Cone, on behalf of Shack Ranch, LLC, filed in the Department of Natural Resources (Department) application A-19645 for a Permit to Appropriate Water.
2. On August 21, 2019, Ross Cone filed map number 20427 showing the land proposed to be irrigated under A-19645.

ORDER

IT IS HEREBY ORDERED that application A-19645 and map number 20427 are APPROVED subject to the following limitations and conditions:

1. The following is a description of all the land which is authorized to be irrigated (appurtenant land) under surface water appropriation A-19645 as depicted on map number 20427 which is hereby made a part of this Order:

<u>Township 20 North, Range 14 West of the</u>		
<u>6th P.M. in Valley County</u>		<u>Acres</u>
Section 13:	NW ¹ / ₄ SE ¹ / ₄	0.5
	NE ¹ / ₄ SE ¹ / ₄	7.4
	SW ¹ / ₄ SE ¹ / ₄	3.8
	SE ¹ / ₄ SE ¹ / ₄	33.3

<u>Township 20 North, Range 13 West of the</u>		
<u>6th P.M. in Valley County</u>		<u>Acres</u>
Section 19:	NW ¹ / ₄ NW ¹ / ₄	26.8
	NE ¹ / ₄ NW ¹ / ₄	30.1
	SW ¹ / ₄ NW ¹ / ₄	29.3
	SE ¹ / ₄ NW ¹ / ₄	33.3
	TOTAL	164.5

2. Appropriation A-19645 has a priority date of May 17, 2019, and authorizes the appropriator the use of 9.5 acre-feet annually from Embankment 1 Reservoir (storage appropriation A-19646) from a pump site located in the SE¹/₄SW¹/₄ of Section 18, Township 20 North, Range 13 West of the 6th P.M. in Valley County, as depicted on map number 20427.
3. Only the land shown on map number 20427 may be irrigated under appropriation A-19645.

4. This appropriation will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 9.5 acre-feet per annum.
5. A measuring device, approved by the Department, may be required if so ordered by the Department.
6. 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).
 - 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.
7. The appropriator must comply with the following deadlines:
 - A. Construction of the diversion works must begin within twelve months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
 - B. Construction of the project must be completed by two years past the signing date of this application approval.
 - C. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19645 must be beneficially used by September 1, 2022.
 - D. After September 1, 2022, 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-19645.

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

August 27, 2019


Gordon W. Fasset, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20427 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 20427 were mailed on August 27, 2019, to the following:

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