

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19739 AND MAP NUMBER 20598

WATER DIVISION 2-B

BACKGROUND

1. On December 21, 2020, Duane R. and Sandra Kerkman and Jeffrey D. and Rebecca Jo Kerkman filed in the Department of Natural Resources (Department) application A-19739 for a Permit to Appropriate Water and map number 20598 showing land proposed to be irrigated under this application.
2. On March 3, 2021, Jeffrey D. Kerkman corrected filed in the Department map number 20598 showing land proposed to be irrigated under application A-19739.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19739 and map number 20598 are APPROVED subject to the following limitations and conditions:

1. A portion of appropriation A-19739 provides supplemental water to land already approved for irrigation under natural flow appropriation A-19678. The remaining portion of appropriation A-19739 is located on land not covered by a surface water appropriation.
2. For the purpose of water administration, appropriation A-19739 should be shown in Department records as two appropriations: A-19739A and A-19739B.
3. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19739A as depicted on map number 20598 which is made a part of this Order.

<u>Township 24 North, Range 06 West of the</u>		
<u>6th P.M. in Antelope County</u>		<u>Acres</u>
Section 22:	SW ¹ / ₄ SW ¹ / ₄	1.3
	SE ¹ / ₄ SW ¹ / ₄	15.6
Section 27:	NW ¹ / ₄ NW ¹ / ₄	34.8
	NE ¹ / ₄ NW ¹ / ₄	34.5
	SW ¹ / ₄ NW ¹ / ₄	35.0
	SE ¹ / ₄ NW ¹ / ₄	<u>35.2</u>
TOTAL		156.4

4. Appropriation A-19739A provides supplemental water to land approved for irrigation under natural flow appropriation A-19678.

5. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19739B as depicted on map number 20598 and is not covered by an existing appropriation.

Township 24 North, Range 06 West of the 6 th P.M. in Antelope County	Acres
Section 22: SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.1
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>0.9</u>
TOTAL	1.0

6. Appropriations A-19739A and A-19739B have a priority date of December 21, 2020, and authorize the appropriator the use of 177.2 acre-feet annually from Kerkman's Reservoir (storage appropriation A-10129) from a pump site located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, and withdrawn from the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, both in Township 24 North, Range 06 West of the 6th P.M. in Antelope County, as depicted on map number 20598.
7. Storage appropriation A-10129 provides supplemental water to irrigate land under several storage use appropriations. The total amount of water under these permits will be limited to the amount of water beneficially used and will not exceed 177.2 acre-feet per annum for all storage use appropriations.
8. The prior rights of all persons, who by compliance with laws of the state of Nebraska, have acquired the right to use the waters of the natural streams of the state must not be interfered with by the use of water under this approval.
9. Only the land shown on map number 20568 may be irrigated under appropriation A-19739A and A-19739B unless a change is authorized by subsequent Order of the Department.
10. If during the course of construction of the irrigation project it is determined that there is a difference in the number and/or location of acres from the approved map, an amended project map may be filed for an equal or lesser number of acres prior to the beneficial use investigation deadline. The Department, at its sole discretion, must determine that the change from the original map remains within the original project concept and does not violate any rules and/or statutes and will not harm another appropriator. The amended map may then be approved by Order of the Department for an equal or lesser number of acres of land or amount of water than originally granted.
11. A measuring device, approved by the Department, may be required if so ordered by the Department.
12. 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).
13. The appropriator must comply with the following deadlines:
- A. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
 - B. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this Order. The water appropriated under A-19739A and A-19739B must be beneficially used by September 1, 2023.
14. After September 1, 2023, 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-19739A and A-19739B.
 - 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-19739A and A-19739B.
 - 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-19739A and A-19739B.

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 Order 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



March 24, 2021

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20598 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order, map number 20598 and Surface Water Administration brochure were mailed on March 24, 2021, to the following:

Duane and Sandra Kerkman
52228 838 Road
Elgin, Nebraska 68636

Jeffrey D. And Rebecca Jo Kerkman
405 P Street
Neligh, Nebraska 68756