

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19741 AND MAP NUMBER 20550

WATER DIVISION 1-F

BACKGROUND

1. On January 14, 2021, the Nemaha Natural Resources (applicant) on behalf of landowners Chad M. and Carol L. Herr, filed in the Department of Natural Resources (Department) application A-19741 for a Permit to Appropriate Water and map number 20550 showing land proposed to be irrigated under this application.
2. Construction is complete.

ORDER

IT IS HEREBY ORDERED that application A-19741 and map number 20550 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-19741 as depicted on map number 20550:

<u>Township 03 North, Range 13 East of the</u>	<u>Acres</u>
<u>6th P.M. in Richardson County</u>	
Section 17: NW ¹ / ₄ NW ¹ / ₄	12.7
NE ¹ / ₄ NW ¹ / ₄	0.9
SW ¹ / ₄ NW ¹ / ₄	32.5
SE ¹ / ₄ NW ¹ / ₄	<u>5.6</u>
TOTAL	51.7

2. Appropriation A-19741 has a priority date of January 14, 2021, and authorizes the appropriator the use of 49.1 acre-feet annually from Long Branch Reservoir 73 (storage appropriation A-15706). The water may be diverted through the drawdown release valve located in the NE¹/₄SW¹/₄ of Section 08, Township 03 North, Range 13 East of the 6th P.M. in Richardson County, as depicted on map number 20550, with the permission from the Nemaha Natural Resources District, the owner of A-15706, to divert water for irrigation from this reservoir. Water released will be delivered via Long Branch Creek to the same pump site used under appropriation A-19389.
3. Only the land shown on map number 20550 may be irrigated under appropriation A-19741.
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 49.1 acre-feet per annum.

5. Appropriation A-19741 provides supplemental water to irrigate land under natural flow appropriations A-19389 and A-19740.
6. A measuring device, approved by the Department, may be required if so ordered by the Department.
7. 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.
8. 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 Order. The water appropriated under A-19741 must be beneficially used by September 1, 2023.
 - D. After September 1, 2023, 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-19741.

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



Thomas E. Riley, P.E., Director

May 27, 2021

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20550 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 20550 were mailed on May 27, 2021, to the following:

Chad M. and Carol L. Herr
63151 718 Road
Humboldt, Nebraska 68376

Bob Hilske
Nemaha Natural Resources District
62161 US Highway 136
Tecumseh, Nebraska 68450

Cade L. Herr
63176 717 Road
Humboldt, Nebraska 68376