

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9396 AND
PETITION RLP-9431 TO CHANGE THE LOCATION OF DIVERSION
FOR WATER APPROPRIATION A-14918
AND MAP NUMBER 20773

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14918 is held by Myers Land & Cattle, Inc.
2. Appropriation A-14918 has a priority date of April 25, 1977, and authorizes the use of water for irrigation of the 143.0 acres of land described below. The water may be diverted from the South Loup River at points of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, all in Township 14 North, Range 20 West of the 6th P.M. in Custer County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 2.04 cfs from all points of diversion.

<u>Township 14 North, Range 20 West of the</u>		
<u>6th P.M. in Custer County</u>		<u>Acres</u>
Section 20:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	17.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
Section 21:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	14.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	15.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>31.0</u>
	TOTAL	143.0

3. On June 21, 2021, Tom Myers and Kent Myers, on behalf of Myers Land & Cattle, Inc., filed application EXT-9396 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-14918.
4. On August 12, 2021, Tom Myers filed map number 20773 showing the land proposed to be irrigated under appropriation A-14918 through transfer EXT-9396.

5. On August 31, 2021, Tom Myers filed petition RLP-9431 for a permit to change the location of one diversion point from the present location in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ to the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 of said legal description under A-14918.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9396 for a permit for an expedited transfer of the location of use, petition RLP-9431 to change the location of diversion and map number 20773 are APPROVED.
2. Appropriation A-14918 through petition RLP-9431 is now A-14918R.
3. Appropriation A-14918R through transfer EXT-9396 and RLP-9431 authorizes the use of water to irrigate 143.0 acres of land described below and depicted on map number 20773, which is made a part of this Order. The water may be diverted from the South Loup River at points of diversion on the left bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, all in Township 14 North, Range 20 West of the 6th P.M. in Custer County, as depicted on map number 20773. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 2.04 cfs from all points of diversion (916 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 14 North, Range 20 West of the</u>		
<u>6th P.M. in Custer County</u>		<u>Acres</u>
Section 20:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	10.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	16.3
Section 21:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	15.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	15.2
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.2
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	16.7
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20.6
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>22.0</u>
	TOTAL	143.0

4. All terms and conditions of appropriation A-14918 remain in effect unless specifically changed by this Order.
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. These relevant statutory requirements 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.

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 cause cancellation of part or all of this 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.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES



September 13, 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 20773 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 20773 were mailed on September 13, 2021, to the following:

Tom Myers
Myers Land & Cattle, Inc.
44050 Pressey East Road
Eddyville, Nebraska 68834

Kent Myers
Myers Land & Cattle, Inc.
44050 Pressey East Road
Eddyville, Nebraska 68834