

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9400 AND
PETITION RLP-9438 TO CHANGE THE LOCATION OF DIVERSION
FOR WATER APPROPRIATION A-2794B
AND MAP NUMBER 20780

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2794B is held by A. Shane and Jill L. Rohde.
2. Appropriation A-2794B has a priority date of October 4, 1937, and authorizes the use of water for irrigation of the 48.65 acres of land described below. The water may be diverted from Mud (Beaver) Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 15 North, Range 18 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 140 acres irrigated at a maximum rate of 0.35 cfs.

Township 15 North, Range 18 West of the 6 th P.M. in Custer County		Acres
Section 25:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.26
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.24
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>27.15</u>
	TOTAL	48.65

3. On June 28, 2021, A. Shane Rohde filed application EXT-9400 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-2794B.
4. On August 23, 2021, A. Shane Rohde filed map number 20780 showing the land proposed to be irrigated under appropriation A-2794B through transfer EXT-9400.
5. On September 7, 2021, Jill L. Rhode corrected filed application EXT-9400 and filed petition RLP-9438 for a permit to change the location of diversion under A-2794B.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9400 for a permit for an expedited transfer of the location of use, petition RLP-9438 to change the location of diversion and map number 20780 are APPROVED.
2. Appropriation A-2794B through petition RLP-9438 is now A-2794BR.
3. Appropriation A-2794BR through transfer EXT-9400 and RLP-9438 authorizes the use of water to irrigate 48.65 acres of land described below and depicted on map number 20780, which is made a part of this Order. The water may be diverted from Mud (Beaver) Creek at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 15 North, Range 18 West of the 6th P.M. in Custer County, as depicted on map number 20780. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.35 cfs from all points of diversion (157 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 15 North, Range 18 West of the</u>		
<u>6th P.M. in Custer County</u>		<u>Acres</u>
Section 25:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.14
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.46
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	12.80
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>22.25</u>
	TOTAL	48.65

4. All terms and conditions of previous orders for appropriation A-2794 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 28, 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 20780 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 20780 were mailed on September 28, 2021, to the following:

A. Shane and Jill L. Rohde
159 Main Street
Mason City, Nebraska 68855