

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19749 AND MAP NUMBER 20667

WATER DIVISION 1-F

BACKGROUND

1. On February 25, 2021, LaVera Schlichtemeier and Don Schlichtemeier filed in the Department of Natural Resources (Department) application A-19749 for a Permit to Appropriate Water from Schlichtemeier Reservoir Number 1 (A-13641).
2. On September 23, 2021, Don Schlichtemeier filed map number 20667 showing the land proposed to be irrigated under A-19749.
3. On December 2, 2021, Lori B. and Jerome A. Dworak, and Don Schlichtemeier filed in the Department a license agreement allowing a pump station and equipment for pumping water from Schlichtemeier Reservoir No. 1 to and across the Dworak property to the Schlichtemeier Property as well as ingress and egress rights for purposes of building, operating, repairing and maintaining the pump station and equipment.

ORDER

IT IS HEREBY ORDERED that application A-19749 and map number 20667 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-19749 as depicted on map number 20667:

Township 11 North, Range 13 East of the	
<u>6th P.M. in Cass County</u>	
	<u>Acres</u>
Section 33: NW $\frac{1}{4}$ SW $\frac{1}{4}$	23.3
NE $\frac{1}{4}$ SW $\frac{1}{4}$	30.2
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>34.9</u>
TOTAL	118.4

2. Appropriation A-19749 has a priority date of February 25, 2021, and authorizes the appropriator the use of 20.8 acre-feet annually from Schlichtemeier Reservoir No. 1 (A-13641) from a pump site located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 11 North, Range 13 East of the 6th P.M. in Cass County, as depicted on map number 20667.

3. Storage appropriation A-13641 provides water to irrigate land under storage use appropriations A-19749 and A-13642. The total amount of water under these permits will be limited to the amount of water beneficially used on an annual basis and will not exceed 20.8 acre-feet per annum for all storage use appropriations.
4. The Department may at any time deny water under A-19749 should there cease to be a valid irrigation agreement on file in the Department between the appropriator of said permit and the owner of land where irrigation facilities cross to reach the lands to be irrigated.
5. Only the land shown on map number 20677 may be irrigated under appropriation A-19749 unless a change is authorized by subsequent Order of the Department.
6. 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.
7. A measuring device, approved by the Department, may be required if so ordered by the Department.
8. 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).
9. 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-19749 must be beneficially used by September 1, 2024.
10. After September 1, 2024, 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-19749.

- 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 amount will be issued by the Department for A-19749.
- 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-19749.

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

January 14, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20677 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 20677 were mailed on January 14, 2022, to the following:

Don Schlichtemeier
3516 Hobscheidt Road
Murray, Nebraska 68409

Jerry and Lori Dworak
3400 South Habitat Lane
Boise Idaho, 83706

LaVera Y. Schlichtemeier, Trustee
3210 Hobscheidt Road
Murray, Nebraska 68409