

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP AND

APPROVAL OF APPLICATIONS NEX-9662 AND NEX-9663

FOR WATER APPROPRIATION A-11520 AND MAPS NUMBER 20989 AND 20990

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11520 is held by Debra K. Alexander.
2. Appropriation A-11520 has a priority date of July 30, 1968, and authorizes the use of water for irrigation of the 13.7 acres of land described below. The water may be diverted from the Republican River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 01 North, Range 07 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.19 cfs.

| <u>Township 01 North, Range 07 West of the</u> <u>6th P.M. in Nuckolls County</u> | <u>Acres</u> |
|---|--------------|
| Section 27: NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 1.5 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 3) | <u>12.2</u> |
| TOTAL | 13.7 |

3. On May 31, 2022, Debra K. Alexander and Andrew J. Meyer on behalf of himself, Peggy Meyer, Richard Meyer, Crystal Meyer, and Wildcat Farms LLC, filed applications NEX-9662 and NEX-9663 for non-expedited transfers of the location of use for land authorized to be irrigated by appropriation A-11520.
4. On May 31, 2022, Andrew J. Meyer filed maps number 20989 and 20890 showing the land proposed to be irrigated under appropriation A-11520 through transfers NEX-9662 and NEX-9663.
5. Because land appurtenant to the appropriation would be under two separate groups of landowners the Department determined that it is in the best interest of the owners and the State to divide appropriation A 11520 into two distinct appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Applications NEX-9662 and NEX-9663 for permits for expedited transfers of the location of use and maps number 20989 and 20990 are APPROVED.
2. Appropriation A-11520 is divided into two appropriations, A-11520A and A-11520B.
3. Appropriation A-11520A authorizes the use of water to irrigate 8.0 acres of land described below and depicted on map number 20989, which is made a part of this Order. The water may be diverted from the Republican River at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 01 North, Range 07 West of the 6th P.M. in Nuckolls County, as depicted on map number 20989. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.11 cfs (49 gallons per minute).

| <u>Township 01 North, Range 07 West of the</u> | | |
|--|-----------------------------------|--------------|
| <u>6th P.M. in Nuckolls County</u> | | <u>Acres</u> |
| Section 28: | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 0.8 |
| | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>7.2</u> |
| | TOTAL | 8.0 |

4. The total amount of water diverted for the 8.0 acres under appropriation A-11520A through NEX-9662 may not exceed 5.60 acre-feet annually, 0.70 acre-feet per acre, nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
5. Appropriation A-11520B authorizes the use of water to irrigate 5.7 acres of land described below and depicted on map number 20990, which is made a part of this Order. The water may be diverted from the Republican River at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 01 North, Range 07 West of the 6th P.M. in Nuckolls County, as depicted on map number 20990. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.08 cfs (36 gallons per minute).

| <u>Township 01 North, Range 07 West of the</u> | | |
|--|-----------------------------------|--------------|
| <u>6th P.M. in Nuckolls County</u> | | <u>Acres</u> |
| Section 34: | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 2.9 |
| | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>2.8</u> |
| | TOTAL | 5.7 |

6. The total amount of water diverted for the 5.7 acres under appropriation A-11520B through NEX-9663 may not exceed 3.99 acre-feet annually, 0.70 acre-feet per acre, nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
7. A measuring device, approved by the Department, is required for both A-11520A and A-11520B.

8. 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



Thomas E. Riley, P.E., Director

September 20, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20989 and 20990 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order and map number 20989 and 20990 were mailed to the following:

Andrew & Peggy Meyer
Wildcat Farms LLC
164 Road 3650
Superior, Nebraska 68978

Richard & Crystal Meyer
Wildcat Farms LLC
164 Road 3650
Superior, Nebraska 68978

Debra K. Alexander
1230 Highway 40
Kearney, Nebraska 68845