

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-8947 AND MAP 20530 TO CHANGE THE LOCATION OF

DIVERSION FOR WATER APPROPRIATION A-5362

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-5362 is held by Doug Schelling.
2. Appropriation A-5362 has a priority date of June 23, 1953, and authorizes the use of water for irrigation of 161.9 acres of land. The water may be diverted from the Platte River at a point of diversion located in Lot 4 of the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 30, Township 12 North, Range 26 West of the 6<sup>th</sup> P.M. in Lincoln County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 95 acres irrigated at a maximum rate of 1.70 cfs.
3. April 27, 2020, Doug Schelling filed petition RLP-8947 in the Department for a permit to change the location of diversion for appropriation A-5362.
4. On August 22, 2022, Thirty Mile Irrigation District and Doug Schelling filed in the Department an access and maintenance agreement for pumping water from the Thirty Mile Canal.
5. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-8947 for a permit to change the location of diversion for appropriation A-5362 is APPROVED.
2. Appropriation A-5362 through petition RLP-8947 is now A-5362R.
3. Appropriation A-5362R shall be shown in the Department's records authorizing the use of water to irrigate 161.9 acres of land described below and depicted on map number 20530, which is made a part of this Order. The water may be diverted from the Platte River into the Thirty Mile Canal at the headgate located in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and withdrawn at a

pumpsite located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  (Lot 3), both in Section 30, Township 12 North, Range 26 West of the 6<sup>th</sup> P.M. in Lincoln County, as depicted on map number 20530. Water diverted shall not exceed the ratio of one cfs for every 95 acres irrigated at a maximum rate of 1.70 cfs (762 gallons per minute) not to exceed 3 acre-feet per irrigated acre per year.

Township 12 North, Range 26 West of the 6 <sup>th</sup> P.M. in Lincoln County		Acres
Section 30:	Lot 4 W $\frac{1}{2}$ NW $\frac{1}{4}$	3.2
	Lot 3 E $\frac{1}{2}$ NW $\frac{1}{4}$	31.9
	Lot 2 SW $\frac{1}{4}$ NE $\frac{1}{4}$	24.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	25.0
	Lot 1 Part E $\frac{1}{4}$	48.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>27.4</u>
	TOTAL	161.9

4. All terms and conditions of appropriation A-5362 remain in effect unless specifically changed by this Order.
5. The appropriator must comply with all relevant statutes. This includes, but is 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 an 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



October 11, 2022

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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 20530 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 20530 were mailed to the following:

Lyndon Vogt  
Central Platte NRD  
215 Kaufman Avenue  
Grand Island, Nebraska 68803

Thirty Mile Irrigation District  
75883 Road 414  
Cozad, Nebraska 69130-4115

Doug Schelling  
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James Harris

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