

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF NON-EXPEDITED TRANSFER NEX-9925 FOR WATER APPROPRIATION A-2995

AND MAP NUMBER 21200

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2995 is held by KJ Gabriel Farms, LLC.
2. Appropriation A-2995 has a priority date of October 23, 1939, and authorizes the use of water for irrigation of the 48.5 acres of land described below. The water may be diverted from the Middle Loup River at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 18 North, Range 17 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. The total annual volume may not exceed 3 acre-feet per acre of land on which water is actually and beneficially applied.

<u>Township 18 North, Range 17 West of the</u> <u>6th P.M. in Custer County</u>	<u>Acres</u>
Section 35: NW $\frac{1}{4}$ NE $\frac{1}{4}$	14.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>33.9</u>
TOTAL	48.5

3. On March 27, 2023, Kevin Gabriel, on behalf of KJ Gabriel Farms, LLC, filed application NEX-9925 for a permit for a non-expedited transfer of the location of use for land authorized to be irrigated by appropriation A-2995.
4. On June 9, 2023, Kevin Gabriel filed map number 21200 showing the land proposed to be irrigated under appropriation A-2995 through transfer NEX-9925.

ORDER

IT IS HEREBY ORDERED:

1. Application NEX-9925 for a permit for a non-expedited transfer of the location of use and map number 21200 are APPROVED.

3. Appropriation A-2995 through transfer NEX-9925 authorizes the use of water to irrigate 24.5 acres of land described below and depicted on map number 21200, which is made a part of this Order. The water may be diverted from the Middle Loup River at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 18 North, Range 17 West of the 6th P.M. in Custer County, as depicted on map number 21200. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.35 cfs (157 gallons per minute). The total annual volume may not exceed 3 acre-feet per irrigated acre nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 18 North, Range 17 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 35: NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.3
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>19.2</u>
TOTAL	24.5

4. All terms and conditions of previous orders for appropriation A-2995 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 12, 2023

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 21200 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21200 were mailed to the following:

Kevin Gabriel
KJ Gabriel Farms, LLC
46049 DR 802
Arcadia, Nebraska 68815