

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19952 AND MAP NUMBER 21315

WATER DIVISION 1-D

BACKGROUND

1. On September 27, 2023, Gary Carstens, on behalf of Scott A. and Karla K. Carstens, filed in the Department of Natural Resources (Department) application A-19952 for a Permit to Appropriate Water.
2. On September 27, 2023, Gary Carstens, on behalf of Scott A. and Karla K. Carstens, filed in the Department application A-19951 for a permit to impound water in Carstens Reservoir from a tributary to Possum Creek for an amount not to exceed 63.69 acre-feet per year. Based on the 28.95 acre-feet capacity of the reservoir, the applicant requests 2.2 fills per year.
3. On November 6, 2023, David Robbins, on behalf of Scott A. and Karla K. Carstens, filed in the Department map number 21315 showing land proposed to be irrigated under application A-19952.

ORDER

IT IS HEREBY ORDERED that application A-19952 and map number 21315 are APPROVED subject to the following limitations and conditions:

1. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19952 as depicted on map number 21315 which is made a part of this Order.

<u>Township 05 North, Range 06 East of the</u>	<u>Acres</u>
<u>6th P.M. in Gage County</u>	
Section 21: NW ¹ / ₄ NW ¹ / ₄	28
NE ¹ / ₄ NW ¹ / ₄	28
SW ¹ / ₄ NW ¹ / ₄	28
SE ¹ / ₄ NW ¹ / ₄	<u>28</u>
TOTAL	112

2. Appropriation A-19952 has a priority date of September 27, 2023, and authorizes the appropriator the use of 63.69 acre-feet per year of water for irrigation of the 112 acres of land described above. The water may be diverted from Carstens Reservoir at a point of diversion located in the SW¹/₄NW¹/₄ of Section 21, Township 05 North, Range 06 East of the 6th P.M. in Gage County, as depicted on map number 21315.
3. Only the land shown on map number 21315 may be irrigated under appropriation A-19952 unless a change is authorized by subsequent Order of the Department.

4. 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.
5. A measuring device approved by the Department is required. Contact the Lincoln Field Office before acquiring a measuring device to ensure the device will be acceptable.
6. Within two weeks after the first diversion of water under this application the appropriator must file written notice with the Lincoln Field Office informing the Department that the first irrigation diversions have occurred. The written communication must be signed by the appropriator and may be delivered by U.S. Postal Mail, hand delivered or sent via e-mail attachment to the Lincoln Field Office Supervisor.
7. 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).
 - 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.
8. 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-19952 must be beneficially used by September 1, 2026.
9. After September 1, 2026, 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-19952.
 - 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 rate will be issued by the Department for A-19952.

- 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-19952.

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.

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. If in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES



November 27, 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 21315 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map number 21315 and Surface Water Administration brochure were mailed to the following:

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