

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF APPLICATION A-20139 AND MAP NUMBER 21750

WATER DIVISION 2-D

BACKGROUND

1. On November 3, 2004, the Department of Water, Energy, and Environment (Department) issued a formal moratorium on all new surface water appropriations in portions of the Upper Niobrara White Natural Resources District (UNWNRD). The moratorium included the Niobrara River Basin above the Mirage Flats diversion dam.
2. On April 20, 2026, Wade Yada, on behalf of the Dawes County Road Department, filed in the Department petition VAR-11869 for leave to file an application for a permit to appropriate water. The petition requested leave to file an application for a temporary permit to appropriate less than 10 acre-feet of water for the purpose of road construction.
3. On April 30, 2026, the Department granted petition VAR-11869 for leave to file an application for a permit to appropriate.
4. On May 4, 2026, Wade Yada filed application A-20139 for a temporary permit to appropriate water and map number 21750.
5. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-20139 and map number 21750 are **APPROVED** subject to the following limitations and conditions:

1. The source of water is **Little Bordeaux Creek**.
2. The water shall be used for the purpose of **road construction**.
3. The priority date is **May 4, 2026**.
4. The point of diversion is located **in the NW¹/₄NW¹/₄ of Section 13, Township 33 North, Range 48 West of the 6th P.M. in Dawes County**, as depicted on map number 21750 which is made a part of this Order.
5. The rate that water may be diverted under appropriation A-20139 shall not exceed **0.67** cubic foot per second (300 gallons per minute). The total amount of water diverted **shall not exceed 10 acre-feet**.
6. This appropriation **EXPIRES** one year from the date of this Order and appropriation A-20139 will be **CANCELLED** without further action by the Department as of that date.

2. Ongoing Compliance Requirements

The appropriator must:

- 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 applicable laws, Department Orders, or the terms of this Order may result in cancellation, suspension, administrative penalties, and/or criminal prosecution.

This appropriation **does not guarantee** water availability. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



May 7, 2026

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21750 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 21750 were mailed to the following:

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