

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF EXPEDITED TRANSFER EXT-11819 FOR WATER APPROPRIATION A-9762

AND MAP NUMBER 21758

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-9762 is held by Timothy Obermiller.
2. Appropriation A-9762 has a priority date of **September 16, 1959**, and authorizes the use of water for irrigation of the **47.0 acres** of land described below. The water may be diverted from **Mud (Beaver) Creek** at points of diversion located on the right bank of the stream in the **N¹/₂SE¹/₄ of Section 03, Township 12 North, Range 15 West of the 6th P.M. in Buffalo County**. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of **0.67 cfs** from all points of diversion.

| <u>Township 12 North, Range 15 West of the 6th P.M. in Buffalo County</u> | <u>Acres</u> |
|------------------------------------------------------------------------------------------|--------------|
| Section 03: NW ¹ / ₄ SE ¹ / ₄ | 4.5 |
| NE ¹ / ₄ SE ¹ / ₄ | 12.0 |
| SW ¹ / ₄ SE ¹ / ₄ | 11.0 |
| SE ¹ / ₄ SE ¹ / ₄ | <u>11.5</u> |
| TOTAL | 47.0 |

3. On May 27, 2026, Terry Obermiller filed application EXT-11819 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-9762 and map number 21758 showing the land proposed to be irrigated under appropriation A-9762 through transfer EXT-11819.

ORDER

IT IS HEREBY ORDERED

1. Application EXT-11819 for a permit for an expedited transfer of the location of use and map number 21758 are **APPROVED**.

2. Authorized Land for Irrigation

Appropriation A-9762 through transfer EXT-11819 authorizes the use of water to irrigate **47.0 acres** of land described below and depicted on map number 21758, which is made a part of this Order. The water may be diverted from **Mud (Beaver) Creek** at a point of diversion located on the right bank of the stream in the **NW¹/₄SE¹/₄ of Section 03, Township 12 North, Range 15 West of the 6th P.M. in Buffalo County**, as depicted on map number 21758. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of **0.67 cfs (301 gallons per minute)**. The total volume may not exceed **three acre-feet** per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

| Township 12 North, Range 15 West of the | |
|---------------------------------------------------------------------------|--------------|
| <u>6th P.M. in Buffalo County</u> | |
| | <u>Acres</u> |
| Section 03: NE ¹ / ₄ SE ¹ / ₄ | 1.4 |
| SW ¹ / ₄ SE ¹ / ₄ | 13.3 |
| SE ¹ / ₄ SE ¹ / ₄ | <u>32.3</u> |
| TOTAL | 47.0 |

3. Terms & Conditions of Previous Order(s)

All terms and conditions of appropriation A-9762 remain in effect unless specifically changed by this Order.

4. Measuring Device

A measuring device, approved by the Department and at the Applicant's expense, may be required if so ordered by the Department.

5. Ongoing Statutory 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, or criminal prosecution.

Under Nebraska law, failure to use a portion or all of a perfected appropriation for **more than five consecutive years** for its approved purpose may result in its cancellation.

This appropriation **does not guarantee** water availability. Senior appropriations have legal priority. If insufficient water is available, junior appropriators may be closed. Appropriators may request enforcement action by contacting the local field office.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



July 1, 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 21758 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21758 were mailed to the following:

Timothy Obermiller
78457 475th Avenue
Loup City, Nebraska 68853