

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER DIVIDING APPROPRIATION A-11051, CANCELLATION IN PART

AND APPROVAL OF MAP NUMBERS 21797 AND 21800

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) shows that the land appurtenant to surface water appropriation A-11051 is owned by Melvin and Karen Miksch; Joseph and Roberta Miksch; and the Nebraska Department of Transportation.
2. Appropriation A-11051 has a priority date of **February 27, 1967**, and authorizes the use of water for irrigation of the 114.0 acres of land described below. The water may be diverted from **the Loup River** at the headgate of the Columbus-Genoa Canal located **in Section 06, Township 16 North, Range 04 West of the 6th P.M. in Nance County**. Water diverted shall not exceed the ratio of **one cubic foot per second (cfs) for every 70 acres** irrigated at a maximum rate of **1.63 cfs**. The total annual volume may not exceed **three acre-feet per acre** of land on which water is actually and beneficially applied.

Township 18 North, Range 01 West of the 6 th P.M. in Platte County		Acres
Section 30:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	28.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.0
Section 31:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	22.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40.0</u>
TOTAL		114.0

3. On July 6, 2026, Melvin Miksch filed a Relinquishment of Water Appropriation, REL-11939, relinquishing the right to divert water under a portion of appropriation A-11051 to irrigate the 62.0 acres of land described below.

Township 18 North, Range 01 West of the 6 th P.M. in Platte County		Acres
Section 31:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	22.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40.0</u>
TOTAL		62.0

4. Appropriation A-11051 was originally granted to a single landowner. The appurtenant land was later divided into distinct parcels to multiple owners. Because of the multiple owners, the Department determined that it is in the best interest of the owners and the State to divide the water appropriation among the owners so that each owner's rights are distinguishable.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-11051 at the rate of 0.89 cfs for use upon the 62.0 acres of land described above is **CANCELLED**.
2. Appropriation A-11051 is divided into two appropriations, **A-11051A** and **A-11051B**
3. Appropriation A-11051A authorizes the use of water to irrigate the 48.8 acres of land described below and depicted on map number 21797, which is made a part of this Order. Water diverted from the Loup River shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.70 cfs (314 gallons per minute).

Township 18 North, Range 01 West of the 6 th P.M. in Platte County		Acres
Section 30:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	28.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>20.8</u>
TOTAL		48.8

4. Appropriation A-11051B authorizes the use of water to irrigate the 3.2 acres of land described below and depicted on map number 21800, which is made a part of this Order. Water diverted from the Loup River shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.04 cfs (18 gallons per minute).

Township 18 North, Range 01 West of the 6 th P.M. in Platte County		Acres
Section 30:	SE $\frac{1}{4}$ SE $\frac{1}{4}$	3.2

5. **Terms & Conditions of Previous Order(s)**
All terms and conditions of appropriation A-11051 remain in effect unless specifically changed by this Order.
6. The points of diversion for A-11051A and A-11051B remain at the **headgate of the Columbus-Genoa Canal in Section 06, Township 16 North, Range 04 West of the 6th P.M. in Nance County**, as depicted on map numbers 21797 and 21800. Total annual volume of water diverted may not exceed **three acre-feet per acre irrigated per year**.
7. If the appropriators of A-11051A and A-11051B do not have access to the original canal pump sites, they must obtain permission from the Loup Public Power District, file a Petition for Relocation of the Point of Diversion and have it approved by the Department prior to any diversion. This Order does not authorize access to the original canal pump sites.

8. **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, and/or criminal prosecution.

Under Nebraska law, **nonuse** of a perfected appropriation for **more than five consecutive years** 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

<https://dwee.nebraska.gov/surface-water/surface-water-permitting-and-data/statutes-rules-regulatory-history>



August 5, 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 numbers 21797 and 21800 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map numbers 21797 and 21800 were mailed to the following:

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