

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF APPLICATION A-20136 AND MAP NUMBER 21748

WATER DIVISION 2-B

BACKGROUND

1. On April 22, 2026, Daryl Fullerton filed in the Department of Water, Energy, and Environment (Department) application A-20136 for a Permit to Appropriate Water.
2. On May 8, 2026, Daryl Fullerton filed in the Department map number 21748 showing land proposed to be irrigated under application A-20136.

ORDER

IT IS HEREBY ORDERED that application A-20136 and map number 21748 are APPROVED subject to the following limitations and conditions:

1. **Authorized Land for Irrigation**

The following land, as shown on map number 21748, which is made a part of this Order, is authorized for irrigated under surface water appropriation A-20136:

Township 12 North, Range 11 East of the	
<u>6th P.M. in Sarpy County</u>	<u>Acres</u>

Section 09: NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.7
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2. **Priority and Diversion Rate**

Appropriation A-20136 has a priority date of **April 22, 2026**. It authorizes the diversion of up to **0.04 cubic feet per second (cfs)** (18 gallons per minute) from **a tributary to the Platte River** at a diversion point on the **left bank in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 09, Township 12 North, Range 11 East of the 6th P.M. in Sarpy County**, as depicted on map number 21748.

3. **Maximum Diversion Limits**

Water may be diverted at a rate of no more than **one cfs for every 70 acres**, not to exceed **0.04 cfs**, and only the amount necessary for good husbandry. If fewer than 2.7 acres are irrigated in a given year, the diversion rate shall be limited proportionally. The annual volume is limited to **three acre-feet per acre** actually and beneficially irrigated.

4. **Authorized Land Only**

Only the land shown on map number 21748 may be irrigated under this appropriation unless a modification is authorized by subsequent Order of the Department.

5. Amended Map Option

If construction reveals differences in acreage or location, an amended map for an equal or lesser number of acres may be submitted before the beneficial use deadline. The Department must determine that the changes fall within the original project concept and do not adversely impact other appropriators. Approval may be granted by subsequent Order.

6. Measuring Device Requirement

An approved measuring device, approved by the Department and at the Appropriator's expense, is **required**. Contact the Norfolk Field Office **before acquiring a device** to ensure compliance.

7. First Diversion Notification

The appropriator must notify the Norfolk Field Office in writing **within two weeks** of the first water diversion. This notice must be signed and may be delivered via U.S. mail, hand delivery, or email.

8. 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).

9. Construction and Use Deadlines

- A. The appropriator must proceed diligently with construction, barring unavoidable natural delay.
- B. Water must be beneficially applied for the purpose stated in this Order by **September 1, 2029**, to perfect the appropriation.

10. Field Investigation

- A. After **September 1, 2029**, a field investigation will be conducted to determine the acres irrigated, after which an Order of cancellation will be issued for any unused portions of appropriation A-20136.
- B. If a portion of the appropriation is found to have had water beneficially applied within the scope of the original project concept, the Department may, at its discretion, modify the project map and land listing to reflect the conditions observed during the field investigation. However, the number of acres and the diversion rate determined by the Department will not exceed the limits granted by this Order. If no portion of the appropriation is found to have had water beneficially applied, the Department will issue an Order of Cancellation in Full for this 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



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 number 21748 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order, map number 21748 and Surface Water Administration brochure were mailed to the following:

Daryl Fullerton
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