

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
ORDER DIVIDING AND CHANGING OWNERSHIP
OF APPROPRIATION A-11735
WATER DIVISION 1-B

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11735 is currently held by George Higer, Jr.
2. Appropriation A-11735 has a priority date of June 23, 1969, and authorizes the use of water for irrigation of the 202 acres of land described below. The water may be diverted from Higer Reservoir (storage permit A-11527) at points of diversion located on both banks of the reservoir in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 2 North, Range 6 West of the 6th P.M. in Nuckolls County. The total amount of water that may be diverted is not to exceed 64.8 acre-feet per annum granted for storage under appropriation A-11527.

<u>Township 1 North, Range 6 West of the</u>		<u>6th P.M. in Nuckolls County</u>	<u>Acres</u>
Section 5:	NW $\frac{1}{4}$ NW $\frac{1}{4}$		8
	NE $\frac{1}{4}$ NW $\frac{1}{4}$		21
Section 6:	NW $\frac{1}{4}$ NE $\frac{1}{4}$		16
	NE $\frac{1}{4}$ NE $\frac{1}{4}$		19
	SW $\frac{1}{4}$ NE $\frac{1}{4}$		21
<u>Township 2 North, Range 6 West of the</u>		<u>6th P.M. in Nuckolls County</u>	<u>Acres</u>
Section 31:	NW $\frac{1}{4}$ SE $\frac{1}{4}$		34
	NE $\frac{1}{4}$ SE $\frac{1}{4}$		5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$		34
	SE $\frac{1}{4}$ SE $\frac{1}{4}$		17
Section 32:	NW $\frac{1}{4}$ SW $\frac{1}{4}$		12
	SW $\frac{1}{4}$ SW $\frac{1}{4}$		<u>15</u>
TOTAL			202

3. Matthew Bargaen filed a Notice of Change of Ownership indicating that he is the owner of a portion of the land authorized to be irrigated by appropriation A-11735.

4. Gary Higer, Curt Higer, Cynthia Higer, Ronald Higer, Robert Higer and Ruth Pearce (Gary Higer et al.) filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land authorized to be irrigated by appropriation A-11735.
5. Ronald E. Higer filed a Notice of Change of Ownership indicating that he is the owner of a portion of the land authorized to be irrigated by appropriation A-11735.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-11735 is divided into three appropriations, A-11735A, A-11735B and 11735C.
2. Appropriation A-11735A is held by Matthew Bargaen.
 - A. He is allowed to divert water from Higer Reservoir to irrigate the 117 acres of land described below and as depicted on map number 17581 which is hereby made a part of this Order. The total amount of water that may be diverted by the owners of appropriations A-11735A, A-11735B and A-11735C shall not exceed 64.8 acre-feet per annum granted for storage under appropriation A-11527. The owners of each appropriation are required to install and operate a measuring device approved by this Department prior to diverting water from the Higer Reservoir.

Township 2 North, Range 6 West of the 6 th P.M. in Nuckolls County	Acres
Section 31: NW $\frac{1}{4}$ SE $\frac{1}{4}$	34
NE $\frac{1}{4}$ SE $\frac{1}{4}$	5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	34
SE $\frac{1}{4}$ SE $\frac{1}{4}$	17
Section 32: NW $\frac{1}{4}$ SW $\frac{1}{4}$	12
SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>15</u>
TOTAL	117

- B. All terms and conditions of appropriation A-11735 remain in effect unless specifically changed by this Order.
- C. The points of diversion remain on both banks of Higer Reservoir in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 2 North, Range 6 West of the 6th P.M. in Nuckolls County. If the owner of appropriation A-11735A does not have access to these points of diversion, he must either obtain permission from the landowner or apply for a new point of diversion. This Order does not authorize access to the existing points of diversion.

3. Appropriation A-11735B is held by Ronald E. Higer.

A. He is allowed to divert water from Higer Reservoir to irrigate the 56 acres of land described below and as depicted on map number 17582 which is hereby made a part of this Order. The total amount of water that may be diverted by the owners of appropriations A-11735A, A-11735B and A-11735C shall not exceed 64.8 acre-feet per annum granted for storage under appropriation A-11527. The owners of each appropriation are required to install and operate a measuring device approved by this Department prior to diverting water from the Higer Reservoir.

Township 1 North, Range 6 West of the 6 th P.M. in Nuckolls County		Acres
Section 6:	NW ¹ / ₄ NE ¹ / ₄	16
	NE ¹ / ₄ NE ¹ / ₄	19
	SW ¹ / ₄ NE ¹ / ₄	<u>21</u>
	TOTAL	56

B. All terms and conditions of appropriation A-11735 remain in effect unless specifically changed by this Order.

C. The points of diversion remain on both banks of Higer Reservoir in the SE¹/₄SE¹/₄ of Section 31, Township 2 North, Range 6 West of the 6th P.M. in Nuckolls County. If the owner of appropriation A-11735B does not have access to these points of diversion, he must either obtain permission from the landowner or apply for a new point of diversion. This Order does not authorize access to the existing points of diversion.

4. Appropriation A-11735C is held by Gary Higer et al.

A. They are allowed to divert water from Higer Reservoir to irrigate the 29 acres of land described below and as depicted on map number 17583 which is hereby made a part of this Order. The total amount of water that may be diverted by the owners of appropriations A-11735A, A-11735B and A-11735C shall not exceed 64.8 acre-feet per annum granted for storage under appropriation A-11527. The owners of each appropriation are required to install and operate a measuring device approved by this Department prior to diverting water from the Higer Reservoir.

Township 1 North, Range 6 West of the 6 th P.M. in Nuckolls County		Acres
Section 5:	NW ¹ / ₄ NW ¹ / ₄	8
	NE ¹ / ₄ NW ¹ / ₄	<u>21</u>
	TOTAL	29

B. All terms and conditions of appropriation A-11735 remain in effect unless specifically changed by this Order.

