

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-11981

WATER DIVISION 1-C

Background

1. Records on file in the Department of Natural Resources (Department) show that a portion surface water appropriation A-11981 located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 7, Township 6 North, Range 6 West of the 6th P.M. in Clay County, is currently held by James E. and Dara D. Peters.
2. Records on file in the Department show that a portion surface water appropriation A-11981 located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 6 North, Range 6 West of the 6th P.M. in Clay County, is currently held by Allen Sippel.
3. Appropriation A-11981 with a priority date of June 24, 1970, authorizes the use of water for irrigation of the 95 acres of land described below. The water may be diverted from a tributary to West Little Sandy Creek (tributary to Little Sandy Creek) at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 6 North, Range 6 West of the 6th P.M. in Clay County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.36 cfs. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 6 North, Range 6 West of the 6 th P.M. in Clay County	Acres
Section 7: NE $\frac{1}{4}$ NE $\frac{1}{4}$	36
SE $\frac{1}{4}$ NE $\frac{1}{4}$	33
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>26</u>
TOTAL	95

4. Allen R. Sippel, on behalf of the Allen R. Sippel Revocable Living Trust, filed a Notice of Change of Ownership indicating that the Allen R. Sippel Revocable Living Trust is the owner of a portion of the land authorized to be irrigated by appropriation A-11981.
5. James E. Peters, on behalf of the James E. Peters Family Trust, filed a Notice of Change of Ownership indicating that the James E. Peters Family Trust is the owner of a portion of the land authorized to be irrigated by appropriation A-11981.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-11981 is divided into two appropriations, A-11981A and A-11981B.
2. Appropriation A-11981A is held by the James E. Peters Family Trust.

A. The James E. Peters Family Trust is allowed to divert 0.99 cfs (444 gallons per minute) from a tributary to West Little Sandy Creek (tributary to Little Sandy Creek) to irrigate the 69 acres of land described below and as depicted on map number 17661 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 70 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 6 North, Range 6 West of the 6th P.M. in Clay County</u>	<u>Acres</u>
Section 7: NE $\frac{1}{4}$ NE $\frac{1}{4}$	36
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>33</u>
TOTAL	69

- B. All terms and conditions of appropriation A-11981 remain in effect unless specifically changed by this Order.
- C. The point of diversion remains on the right bank of a tributary to West Little Sandy Creek (tributary to Little Sandy Creek) in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 6 North, Range 6 West of the 6th P.M. in Clay County. If the owner of appropriation A-11981A does not have access to this point of diversion, the James E. Peters Family Trust must either obtain permission from the landowner or file a Petition for Relocation of the Point of Diversion with the Department, and have it approved prior to any diversion. This Order does not authorize access to the existing point of diversion.
3. Appropriation A-11981B is held by the Allen R. Sippel Revocable Living Trust.
 - A. The Allen R. Sippel Revocable Living Trust is allowed to divert 0.37 cfs (166 gallons per minute) from a tributary to West Little Sandy Creek (tributary to Little Sandy Creek) to irrigate the 26 acres of land described below and as depicted on map number 17662 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 70 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 6 North, Range 6 West of the 6th P.M. in Clay County</u>	<u>Acres</u>
Section 7: NE $\frac{1}{4}$ SE $\frac{1}{4}$	26

- B. All terms and conditions of appropriation A-11981 remain in effect unless specifically changed by this Order.
- C. The point of diversion remains on the right bank of a tributary to West Little Sandy Creek (tributary to Little Sandy Creek) in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 6 North, Range 6 West of the 6th P.M. in Clay County. If the owner of appropriation A-11981B does not have access to this point of diversion, the Allen R. Sippel Revocable Living Trust must either obtain permission from the landowner or file a Petition for Relocation of the Point of Diversion with the Department, and have it approved prior to any diversion. This Order does not authorize access to the existing point of diversion.

Additional Information

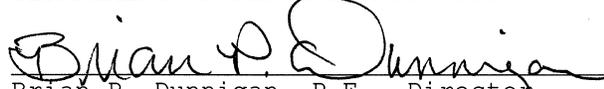
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for more than five consecutive years may result in cancellation of the appropriation.

These appropriations are not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. These appropriations may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

September 9, 2010


 Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure 454 Neb. Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (P.O. Box 94676, 301 Centennial Mall South, 4th Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 17661 and 17662 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 17661 and 17662 were mailed on September 9, 2010, to the following:

James E. Peters
 James E. Peters Family Trust
 7005 Shamrock Road Unit 311
 Lincoln, Nebraska 68506

Allen R. Sippel
 Allen R. Sippel Revocable Living Trust
 703 West Maple
 Sutton, Nebraska 68979

Norris Kramer, Operator
 31520 Road X
 Sutton, Nebraska 68979

Scott Griess, Operator
 611 East Cedar
 Sutton, Nebraska 68979