

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-12504

WATER DIVISION 1-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12504 is currently held by Raymond W. Mau.
2. Appropriation A-12504 with a priority date of February 11, 1972, authorizes the use of water for irrigation of the 107 acres of land described below. The water may be diverted from the Little Blue River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 3 North, Range 1 West of the 6th P.M. in Thayer 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 1.53 cfs. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 3 North, Range 1 West of the 6 th P.M. in Thayer County	Acres
Section 23: NE $\frac{1}{4}$ SE $\frac{1}{4}$	18
SE $\frac{1}{4}$ SE $\frac{1}{4}$	25
Section 24: NW $\frac{1}{4}$ SW $\frac{1}{4}$	28
SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>36</u>
TOTAL	107

3. Nancy E. Snider and Dianne B. Gaston 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-12504.
4. Gary Mau 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-12504.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-12504 is divided into two appropriations, A-12504A and A-12504B.

2. Appropriation A-12504A is held by Gary Mau.

A. He is allowed to divert 0.61 cfs (274 gallons per minute) from the Little Blue River to irrigate the 43 acres of land described below and as depicted on map number 17612 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.

Township 3 North, Range 1 West of the 6 th P.M. in Thayer County		Acres
Section 23: NE $\frac{1}{4}$ SE $\frac{1}{4}$		18
SE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>25</u>
TOTAL		43

B. All terms and conditions of appropriation A-12504 remain in effect unless specifically changed by this Order.

C. The point of diversion remains on the left bank of the Little Blue River in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 3 North, Range 1 West of the 6th P.M. in Thayer County. If the owner of appropriation A-12504A does not have access to this point of diversion, he 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-12504B is held by Nancy E. Snider and Dianne B. Gaston.

A. They are allowed to divert 0.91 cfs (408 gallons per minute) from the Little Blue River to irrigate the 64 acres of land described below and as depicted on map number 17613 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.

Township 3 North, Range 1 West of the 6 th P.M. in Thayer County		Acres
Section 24: NW $\frac{1}{4}$ SW $\frac{1}{4}$		28
SW $\frac{1}{4}$ SW $\frac{1}{4}$		<u>36</u>
TOTAL		64

B. All terms and conditions of appropriation A-12504 remain in effect unless specifically changed by this Order.

- C. The point of diversion remains on the left bank of the Little Blue River in the SW¹/₄SW¹/₄ of Section 24, Township 3 North, Range 1 West of the 6th P.M. in Thayer County. If the owners of appropriation A-12504B do not have access to this point of diversion, they 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

March 30, 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 Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (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 17612 and 17613 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 17612 and 17613 were mailed on March 30, 2010, to the following:

Nancy E. Snider & Dianne B. Gaston
2638 County Road P-25
Kennard, Nebraska 68034

Gary Mau
1107 L Street
Fairbury, Nebraska 68352