

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-12840

WATER DIVISION 1-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12840 is currently held by Allan D. and Janice K. Brodrick.
2. Appropriation A-12840 with a priority date of March 27, 1973, authorizes the use of water for irrigation of the 174 acres of land described below. The water may be diverted from a tributary to Buffalo Creek (Buffalo Creek) at points of diversion located on both banks of the stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 5 North, Range 7 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 combined rate of 2.49 cfs from all points of diversion. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 5 North, Range 7 West of the 6 th P.M. in Clay County		Acres
Section 16:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	38
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	39
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	39
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
Section 9:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>18</u>
	TOTAL	174

3. Allan D. Brodrick, on Behalf of the Allan D. Brodrick and Janice K. Brodrick Life Estates, filed a Notice of Change of Ownership indicating that the Allan D. Brodrick and Janice K. Brodrick Life Estates are the owners of a portion of the land authorized to be irrigated by appropriation A-12840.
4. Gordon Hoins, on behalf of the Gordon Hoins Life Estate, filed a Notice of Change of Ownership indicating that the Gordon Hoins Life Estate is the owner of a portion of the land authorized to be irrigated by appropriation A-12840.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-12840 is divided into two appropriations, A-12840A and A-12840B.

C. The points of diversion remain on both banks of a tributary to Buffalo Creek (Buffalo Creek) in the SW¹/₄SW¹/₄ of Section 9, Township 5 North, Range 7 West of the 6th P.M. in Clay County. If the owners of appropriation A-12840B do not have access to these points of diversion, the Allan D. and Janice K. Brodrick Life Estates 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 points of diversion.

Additional Information

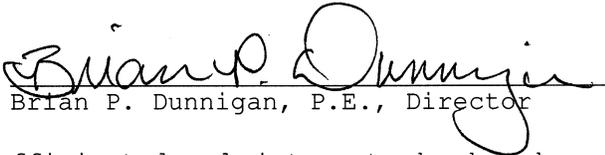
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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 17645 and 17646 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 17645 and 17646 were mailed on September 9, 2010, to the following:

Allan D. & Janice K. Brodrick
Allan D. & Janice K Brodrick Life Estates
780 Road 303
Fairfield, Nebraska 68938

Gordon Hoins
Gordon Hoins Life Estate
1114 Circle L
Hastings, Nebraska 68901