

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-14505

WATER DIVISION 2-A

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14505 is currently held by the Maude Goodenow Trust.
2. Appropriation A-14505 with a priority date of October 12, 1976, authorizes the use of water for irrigation of the 52.2 acres of land described below. The water may be diverted from a tributary to the North Loup River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 20 North, Range 15 West of the 6th P.M. in Valley 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 0.75 cfs. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 20 North, Range 15 West of the 6 th P.M. in Valley County		Acres
Section 5:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0
Section 6:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>3.7</u>
TOTAL		52.2

3. David R. and Sandra S. Gideon 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-14505.
4. Richard and Chieko Severson 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-14505.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-14505 is divided into two appropriations, A-14505A and A-14505B.
2. Appropriation A-14505A is held by David R. and Sandra S. Gideon.

- A. They are allowed to divert 0.50 cfs (224 gallons per minute) from a tributary to the North Loup River to irrigate the 34.7 acres of land described below and as depicted on map number 17795 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 20 North, Range 15 West of the</u>		<u>Acres</u>
6 th P.M. in Valley County		
Section 6:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>3.7</u>
	TOTAL	34.7

- B. All terms and conditions of appropriation A-14505 remain in effect unless specifically changed by this Order.
- C. The point of diversion remains on the left bank of a tributary to the North Loup River in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 20 North, Range 15 West of the 6th P.M. in Valley County as depicted on map number 17795. If the owners of appropriation A-14505A 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.
3. Appropriation A-14505B is held by Richard and Chieko Severson.

- A. They are allowed to divert 0.25 cfs (112 gallons per minute) from a tributary to the North Loup River to irrigate the 17.5 acres of land described below and as depicted on map number 17796 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 20 North, Range 15 West of the</u>		<u>Acres</u>
6 th P.M. in Valley County		
Section 5:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>2.0</u>
	TOTAL	17.5

- B. All terms and conditions of appropriation A-14505 remain in effect unless specifically changed by this Order.

- C. The point of diversion remains on the left bank of a tributary to the North Loup River in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 20 North, Range 15 West of the 6th P.M. in Valley County as depicted on map number 17796. If the owners of appropriation A-14505B 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 3, 2011


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 (4th Floor Nebraska State Office Building, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval 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 17795 and 17796 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 17795 and 17796 were mailed on March _____, 2011, to the following:

David R. and Sandra S. Gideon
82336 Highway 11
Burwell, Nebraska 68823

Richard and Chieko Severson
9733 Field Crest Drive
Omaha, Nebraska 68114