

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-9006

WATER DIVISION 2-B

Background

1. Records on file in the Department of Natural Resources (Department) show that a portion of surface water appropriation A-9006 located in  $W\frac{1}{2}NW\frac{1}{4}$  of Section 33, Township 14 North, Range 8 East of the 6<sup>th</sup> P.M. in Saunders County is currently held by Marvin Noerenberg.
2. Records on file in the Department show that a portion of surface water appropriation A-9006 located in the  $NW\frac{1}{4}$  of Section 33, Township 14 North, Range 8 East of the 6<sup>th</sup> P.M. in Saunders County is currently held by Douglas and Debra Hass.
3. Appropriation A-9006 with a priority date of November 29, 1956, authorizes the use of water for irrigation of the 100 acres of land described below. The water may be diverted from Wahoo Creek at points of diversion located on the left bank of the stream in the  $NW\frac{1}{4}NW\frac{1}{4}$  and the right bank in the  $SW\frac{1}{4}NW\frac{1}{4}$  both in Section 33, Township 14 North, Range 8 East of the 6<sup>th</sup> P.M. in Saunders 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 1.43 cfs from all points of diversion. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 14 North, Range 8 East of the  
6<sup>th</sup> P.M. in Saunders County                      Acres

Section 33: $NW\frac{1}{4}NW\frac{1}{4}$	15
$NE\frac{1}{4}NW\frac{1}{4}$	39
$SW\frac{1}{4}NW\frac{1}{4}$	20
$SE\frac{1}{4}NW\frac{1}{4}$	<u>26</u>
TOTAL	100

4. Marvin Noerenberg filed a Notice of Change of Ownership indicating that he is the owner of a portion of the land located west of Wahoo Creek in the  $W\frac{1}{2}NW\frac{1}{4}$  of Section 33, Township 14 North, Range 8 East of the 6<sup>th</sup> P.M. in Saunders County, authorized to be irrigated by appropriation A-9006.
5. Douglas and Debra Hass filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land located east of Wahoo Creek in the  $NW\frac{1}{4}$  of Section 33, Township 14 North, Range 8 East of the 6<sup>th</sup> P.M. in Saunders County, authorized to be irrigated by appropriation A-9006.



- B. All terms and conditions of appropriation A-9006 remain in effect unless specifically changed by this Order.
- C. The points of diversion remain on the left bank of the stream in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and the right bank in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> both in Section 33, Township 14 North, Range 8 East of the 6<sup>th</sup> P.M. in Saunders County. If the owners of appropriation A-9006B do not have access to these points 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 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

February 8, 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, 4<sup>th</sup> 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 17608 and 17609 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 17608 and 17609 were mailed on February 8, 2010, to the following:

Douglas and Debra Hass  
PO Box 95  
Ithaca, Nebraska 68033

Marvin Noerenberg  
986 County Road 13  
Ithaca, Nebraska 68033