

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-11996

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11996 is currently held by the H.B. Boyden Estate.
2. Appropriation A-11996 with a priority date of July 10, 1970, authorizes the use of water for irrigation of the 130.0 acres of land described below. The water may be diverted from the Little Blue River at points of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 9, and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, both in Township 2 North, Range 2 East of the 6<sup>th</sup> P.M. in Jefferson 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 1.86 cfs from all points of diversion. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 2 North, Range 2 East of the 6 <sup>th</sup> P.M. in Jefferson County		Acres
Section 9:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0
Section 16:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	21.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	19.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>26.0</u>
	TOTAL	130.0

3. Ted and Carolyn Scherbarth filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land authorized to be irrigated under appropriation A-11996.
4. Jim and Carol Barber filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land authorized to be irrigated under appropriation A-11996.
5. Darrell D. and Sue A. Bruns filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land authorized to be irrigated under appropriation A-11996.



- B. All terms and conditions of appropriation A-11996 remain in effect unless specifically changed by this Order.
- C. The points of diversion remain on the right bank of the Little Blue River in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 9, and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, both in Township 2 North, Range 2 East of the 6<sup>th</sup> P.M. in Jefferson County as depicted on map number 17505. If the owners of appropriation A-11996B 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.

4. Appropriation A-11996C is held by Darrell D. & Sue A. Bruns.

- A. They are allowed to divert 1.17 cfs (525 gallons per minute) from the Little Blue River to irrigate the 81.9 acres of land described below and as depicted on map number 17506 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 2 North, Range 2 East of the</u>		
<u>6<sup>th</sup> P.M. in Jefferson County</u>		<u>Acres</u>
Section 16:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	19.2
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	19.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.3
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>26.0</u>
	TOTAL	81.9

- B. All terms and conditions of appropriation A-11996 remain in effect unless specifically changed by this Order.
- C. The points of diversion remain on the right bank of the Little Blue River in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 9, and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, both in Township 2 North, Range 2 East of the 6<sup>th</sup> P.M. in Jefferson County as depicted on map number 17506. If the owners of appropriation A-11996C 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

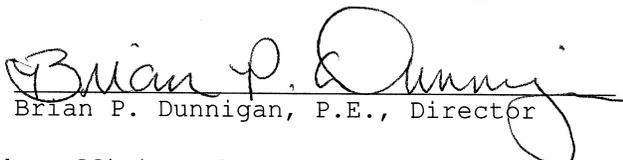
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

December 21, 2010

  
Brian P. Dunnigan, P.E., Director

The appropriators 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, 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 17504, 17505 and 17506 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 17504, 17505, and 17506 were mailed on December 21, 2010, to the following:

Ted and Carolyn Scherbarth  
56661 Highway 136  
Fairbury, Nebraska 68352

Jim and Carol Barber  
56662 Highway 136  
Fairbury, Nebraska 68352

Darrell D. and Sue A. Bruns  
P.O. Box 552  
Beatrice, Nebraska 68310