

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-17427

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water a portion of surface water appropriation A-17427 located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 20, Township 32 North, Range 8 West of the 6th P.M. in Knox County, is currently held by Ruzicka Farms.
2. Records on file in the Department of Natural Resources show that a portion of surface water appropriation A-17427 located in the W $\frac{1}{2}$ of Section 21, Township 32 North, Range 8 West of the 6th P.M. in Knox County, is currently held by Perry and Nancy Pavelka.
3. Appropriation A-17427 with a priority date of January 26, 1995, authorizes the use of water for irrigation of the 187 acres of land described below. The water may be diverted from Steel Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 32 North, Range 8 West of the 6th P.M. in Knox 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 2.67 cfs. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 32 North, Range 8 West of the 6 th P.M. in Knox County		Acres
Section 20:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	15.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
Section 21:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>33.0</u>
TOTAL		187.0

4. The land entitled to water under appropriation A-17427 is held in distinct parcels by multiple owners. Therefore, it is in the best interest of the landowners and the State to divide the appropriation between the owners so that each owner's rights are distinguishable. However, all rights should remain with the same priority as to one another.

3. Appropriation A-17427B is held by Perry and Nancy Pavelka.

A. Appropriation A-17427B authorizes the diversion of 1.89 cfs (848 gallons per minute) from Steel to irrigate the 132 acres of land described below and as depicted on map number 18448 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 32 North, Range 8 West of the
6th P.M. in Knox County

	Acres
Section 21: SW ¹ / ₄ NW ¹ / ₄	31.8
SE ¹ / ₄ NW ¹ / ₄	31.9
NW ¹ / ₄ SW ¹ / ₄	34.2
NE ¹ / ₄ SW ¹ / ₄	<u>34.1</u>
TOTAL	132.0

B. All terms and conditions of appropriation A-17427 remain in effect unless specifically changed by this Order.

C. The point of diversion remains on the right bank of Steel Creek in the NE¹/₄SW¹/₄ of Section 20, Township 32 North, Range 8 West of the 6th P.M. in Knox County. If the owners of appropriation A-17427B 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

November 8, 2013


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 Title 454 Neb. Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 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 18447 and 18448 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 18447 and 18448 were mailed on November 8, 2013, to the following:

Ruzicka Farms
Steve Ruzicka
51141 890 Road
Verdigre, Nebraska 68783

Perry & Nancy Pavelka
51276 889 Road
Verdigre, Nebraska 68783