

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND DIVISION OF WATER APPROPRIATION A-8390

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 12, Township 12 North, Range 14 West of the 6<sup>th</sup> P.M. and in the NW $\frac{1}{4}$  of Section 7, Township 12 North, Range 13 West of the 6<sup>th</sup> P.M., all in Buffalo County and appurtenant to surface water appropriation A-8390 is held by Arrow C Ranch, Inc.
2. Records on file in the Department show that land located in the SW $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 1, Township 12 North, Range 14 West of the 6<sup>th</sup> P.M. in Buffalo County and appurtenant to surface water appropriation A-8390 is held and Lorelei L. Skala.
3. Appropriation A-8390 has a priority date of March 3, 1956, and authorizes the use of water for irrigation of the 99.0 acres of land described below. The water may be diverted from the South Loup River at points of diversion located on both banks of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 1, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 12, both in Township 12 North, Range 14 West of the 6<sup>th</sup> P.M. in Buffalo County. The rate that water may be diverted shall not exceed 0.79 cubic foot per second (cfs) from all points of diversion.

Township 12 North, Range 14 West of the 6 <sup>th</sup> P.M. in Buffalo County		Acres	Township 12 North, Range 13 West of the 6 <sup>th</sup> P.M. in Buffalo County		Acres
Section 1:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	13.0	Section 7:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>7.0</u>
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0			
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.0		TOTAL	99.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	16.0			
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.5			
Section 12:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.0			
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.5			

4. The Department has received information concerning the use of surface water appropriation A-8390 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

5. On March 9, 2012, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-8390 had not been irrigated for at least five years:

<u>Township 12 North, Range 14 West of the</u>		
<u>6<sup>th</sup> P.M. in Buffalo County</u>		<u>Acres</u>
Section 1:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	29.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>1.9</u>
	TOTAL	36.6

6. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Arrow C Ranch, Inc., 48650 370<sup>th</sup> Road, Ravenna, Nebraska 68869; and to Lorelei Skala, 323 Mallard Lane, Grand Island, Nebraska 68801.
7. No timely filed contest of the Preliminary Determination of Nonuse was received in the Department.
8. The water right attaches to the land and the diversion rate is limited by the number of acres irrigated. Therefore, it is in the best interest of the owners and the State to divide the water appropriation between separate parcel owners so that each owner's rights are distinguishable. However, all rights should retain the same priority as to one another.

ORDER

1. Part of appropriation A-8390 at the rate of 0.29 cfs for use upon the land described below is CANCELLED.

<u>Township 12 North, Range 14 West of the</u>		
<u>6<sup>th</sup> P.M. in Buffalo County</u>		<u>Acres</u>
Section 1:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	29.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>1.9</u>
	TOTAL	36.6

2. Appropriation A-8390 now authorizes the appropriators to divert water from the South Loup River to irrigate the 62.4 acres of land described below. The points of diversion are located on both banks of the stream in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 1, and the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 12, both in Township 12 North, Range 14 West of the 6<sup>th</sup> P.M. in Buffalo County. The rate that water may be diverted shall not exceed one cfs for every 125 acres irrigated at a maximum combined rate of 0.50 cfs (224 gallons per minute) from all points of diversion.

Township 12 North, Range 14 West of the 6 <sup>th</sup> P.M. in Buffalo County		Acres	Township 12 North, Range 13 West of the 6 <sup>th</sup> P.M. in Buffalo County		Acres
Section 1:	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	13.0	Section 7:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>7.0</u>
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	5.0			
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	5.0		TOTAL	62.4
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	10.3			
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	7.6			
Section 12:	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.0			
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	12.5			

3. Appropriation A-8390 is divided into 2 appropriations, A-8390A and A-8390B

4. Appropriation A-8390A is held by Lorelei L. Skala.

A. Appropriation A-8390A allows the appropriator to divert 0.33 cfs (148 gallons per minute) from the South Loup River to irrigate the 40.9 acres of land described below and as depicted on map number 18090 which is hereby made a part of this Order. The point of diversion is on the left bank of the stream in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 1, Township 12 North, Range 14 West of the 6<sup>th</sup> P.M. in Buffalo County. Water diverted shall not exceed the ratio of one cfs per 125 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated, nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 12 North, Range 14 West of the 6 <sup>th</sup> P.M. in Buffalo County		Acres
Section 1:	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	13.0
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	5.0
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	5.0
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	10.3
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>7.6</u>
	TOTAL	40.9

B. All terms and conditions of appropriation A-8390 remain in effect unless specifically changed by this Order.



Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

June 14, 2012

  
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 18090 and 18188 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 18090 and 18188 were mailed on June 14, 2012, to the following:

Arrow C Ranch, Inc.  
46650 370<sup>th</sup> Road  
Ravenna, Nebraska 68869

Jason Jakob, Tenant  
77849 Highway 58  
Rockville, Nebraska 68871

Lorelei Skala  
323 Mallard Lane  
Grand Island, Nebraska 68801