

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION D-213

WATER DIVISION 2-A

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation D-213 is currently held by Carol Swartz and McGraw Living Trust.
2. Appropriation D-213 has a priority date of July 17, 1894, and authorizes the use of water for irrigation of the 190 acres of land described below. The water may be diverted from Victoria Creek at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 19 North, Range 20 West of the 6th P.M. in Custer 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 2.71 cfs.

Township 19 North, Range 20 West of the 6 th P.M. in Custer County		Acres
Section 6:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.2
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.8
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	21.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.5
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	8.5
Township 20 North, Range 20 West of the 6 th P.M. in Custer County		Acres
Section 31:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	18.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	31.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	18.1
TOTAL		190.0

3. Joe E. and Debra J. Grantzinger 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 D-213.

Order

IT IS HEREBY ORDERED:

1. Appropriation D-213 is divided into two appropriations, D-213A and D-213B.
2. Appropriation D-213A is held by Joe E. and Debra J. Grantzinger.

- A. They are allowed to divert 1.29 cfs (579 gallons per minute) from Victoria Creek to irrigate the 90.0 acres of land described below and as depicted on map number 17415 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.

Township 19 North, Range 20 West of the 6 th P.M. in Custer County		Acres
Section 6:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.2
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.8
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	21.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.5
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	8.5
TOTAL		90.0

- B. All terms and conditions of appropriation D-213 remain in effect unless specifically changed by this Order.
- C. The point of diversion remains on the right bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 19 North, Range 20 West of the 6th P.M. in Custer County. If the owners of appropriation D-213A do not have access to this point of diversion, they must either obtain permission from the landowner or apply for a new point of diversion. This Order does not authorize access to the existing point of diversion.

3. Appropriation D-213B is held by Carol Swartz.

- A. She is allowed to divert 1.43 cfs (642 gallons per minute) from Victoria Creek to irrigate the 100.0 acres of land described below and as depicted on map number 17416 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.

Township 20 North, Range 20 West of the 6 th P.M. in Custer County		Acres
Section 31:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	18.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	31.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	18.1
TOTAL		100.0

- B. All terms and conditions of appropriation D-213 remain in effect unless specifically changed by this Order.
- C. The point of diversion remains on the right bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 19 North, Range 20 West of the 6th P.M. in Custer County. If the owner of appropriation D-213B does not have access to this point of diversion, she must either obtain permission from the landowner or apply for a new point of diversion. This Order does not authorize access to the existing point of diversion.

