

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-13329

AND APPROVAL OF MAPS NUMBER 19450, 19451 AND 19452

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Gerald L. and Tanya L. Anderson own land located in the S½ of Section 30, Township 17 North, Range 10 East of the 6th P.M. in Dodge County appurtenant to surface water appropriation A-13329.
2. Records on file in the Department show that Housley Brothers, Inc., owns land located in the N½ of Section 31, Township 17 North, Range 10 East of the 6th P.M. in Dodge County appurtenant to surface water appropriation A-13329.
3. Records on file in the Department show that Curtis Corp. owns land located in the S½ of Section 30, Township 17 North, Range 10 East of the 6th P.M. in Dodge County appurtenant to surface water appropriation A-13329.
4. Appropriation A-13329 with a priority date of December 23, 1974, authorizes the use of water for irrigation of the 163.6 acres of land described below. The water may be diverted from the Elkhorn River at a point of diversion located on the right bank of the stream in the NE¼NE¼ of Section 31, Township 17 North, Range 10 East of the 6th P.M. in Dodge County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 2.34 cfs.

Township 17 North, Range 10 East of the 6 th P.M. in Dodge County	Acres	Township 17 North, Range 10 East of the 6 th P.M. in Dodge County	Acres
Section 30: SE¼SW¼	11.0	Section 31: NE¼NW¼	8.0
NW¼SE¼	0.6	NW¼NE¼	40.0
NE¼SE¼	2.0	NE¼NE¼	<u>28.0</u>
SW¼SE¼	40.0		
SE¼SE¼	34.0	TOTAL	163.6

5. Appropriation A-13329 was originally granted to a single landowner. The appurtenant land was later divided into distinct parcels to multiple owners. Because of the multiple owners, the Department determined that it was in the best interest of the owners and the State to divide the water appropriation among the owners so that each owner's rights were distinguishable.

ORDER

IT IS HEREBY ORDERED:

1. Appropriation A-13329 is divided into three appropriations, A-13329A, A-13329B and A-13329C.
2. Appropriation A-13329A is held by Gerald L. and Tanya L. Anderson.
 - A. Appropriation A-13329A authorizes the use of water to irrigate the 85.0 acres of land described below and depicted on map number 19450, which is made a part of this Order. Water diverted shall not exceed the ratio of one cfs per 70 acres irrigated at a maximum rate of 1.21 cfs (543 gallons per minute). Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 17 North, Range 10 East of the 6th P.M. in Dodge County</u>	<u>Acres</u>	<u>Township 17 North, Range 10 East of the 6th P.M. in Dodge County</u>	<u>Acres</u>
Section 30: SE $\frac{1}{4}$ SW $\frac{1}{4}$	11.0	Section 30: SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>34.0</u>
		TOTAL	85.0

- B. All terms and conditions of appropriation A-13329 remain in effect unless specifically changed by this Order.
 - C. The point of diversion remains on right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 17 North, Range 10 East of the 6th P.M. in Dodge County, as depicted on map number 19450. If the owners of the land appurtenant to appropriation A-13329A do not have access to this point of diversion, then permission must be obtained from the landowner or a Petition for Relocation of the Point of Diversion must be filed with the Department, and it must be approved prior to any diversion. This Order does not authorize access to the existing point of diversion.

3. Appropriation A-13329B is held by Housley Brothers, Inc.

- A. Appropriation A-13329B authorizes the use of water to irrigate the 76.0 acres of land described below and depicted on map number 19451, which is made a part of this Order. Water diverted shall not exceed the ratio of one cfs per 70 acres irrigated at a maximum rate of 1.09 cfs (489 gallons per minute). Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 17 North, Range 10 East of the 6th P.M. in Dodge County</u>	<u>Acres</u>	<u>Township 17 North, Range 10 East of the 6th P.M. in Dodge County</u>	<u>Acres</u>
Section 31: NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0	Section 31: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
		NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>28.0</u>
		TOTAL	76.0

B. All terms and conditions of appropriation A-13329 remain in effect unless specifically changed by this Order.

C. The point of diversion remains on right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 17 North, Range 10 East of the 6th P.M. in Dodge County, as depicted on map number 19451. If the owner of the land appurtenant to appropriation A-13329B does not have access to this point of diversion, then permission must be obtained from the landowner or a Petition for Relocation of the Point of Diversion must be filed with the Department, and it must be approved prior to any diversion. This Order does not authorize access to the existing point of diversion.

4. Appropriation A-13329C is held by Curtis Corp.

A. Appropriation A-13329C authorizes the use of water to irrigate the 2.6 acres of land described below and depicted on map number 19452, which is made a part of this Order. Water diverted shall not exceed the ratio of one cfs per 70 acres irrigated at a maximum rate of 0.04 cfs (18 gallons per minute). Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 17 North, Range 10 East of the 6 th P.M. in Dodge County		Acres
Section 30:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.6
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>2.0</u>
	TOTAL	2.6

B. All terms and conditions of appropriation A-13329 remain in effect unless specifically changed by this Order.

C. The point of diversion remains on right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 17 North, Range 10 East of the 6th P.M. in Dodge County, as depicted on map number 19452. If the owner of the land appurtenant to appropriation A-13329C does not have access to this point of diversion, then permission must be obtained from the landowner or a Petition for Relocation of the Point of Diversion must be filed with the Department, and it must be approved prior to any diversion. This Order does not authorize access to the existing point of diversion.

ADDITIONAL INFORMATION

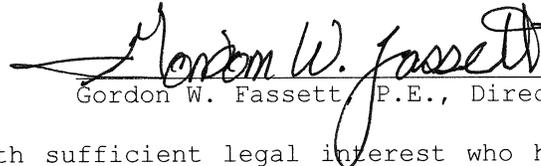
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

February 22, 2016


Gordon W. Fassett, 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 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 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 19450, 19451 and 19452 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and maps number 19450, 19451 and 19452 were mailed on February 22, 2016, to the following:

Gerald L. & Tanya L. Anderson
1709 North 212th Street
Elkhorn, Nebraska 68022

Curtis Corp.
200 Mansell Court East #510
Rosewell, Georgia 30076

Housley Brothers, Inc.
126 Pacific Street
P.O. Box 684
Elkhorn, Nebraska 68022