

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-13906

AND APPROVAL OF MAPS NUMBER 19488, 19489, 19490, 19491 AND 19495

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Timothy V. and Sarah R. Rolf own land located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 21 North, Range 06 East of the 6th P.M. in Cuming County appurtenant to surface water appropriation A-13906.
2. Records on file in the Department show that Loren B. and Sandra A. Rolf own land located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16, Township 21 North, Range 06 East of the 6th P.M. in Cuming County appurtenant to surface water appropriation A-13906.
3. Records on file in the Department show that Knobbe, Limited owns land located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16, Township 21 North, Range 06 East of the 6th P.M. in Cuming County appurtenant to surface water appropriation A-13906.
4. Records on file in the Department show that Julie Hindmarsh owns land located in the SE $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16, Township 21 North, Range 06 East of the 6th P.M. in Cuming County appurtenant to surface water appropriation A-13906.
5. Records on file in the Department show that Linda Margaret Redel, Dean Raymond Hagedorn and Lee Anthony Hagedorn own land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 21 North, Range 06 East of the 6th P.M. in Cuming County appurtenant to surface water appropriation A-13906.

6. Appropriation A-13906 with a priority date of December 15, 1975, authorizes the use of water for irrigation of the 230.0 acres of land described below. The water may be diverted from the Elkhorn River at points of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 21 North, Range 06 East of the 6th P.M. in Cuming County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 3.29 cfs from all points of diversion.

<u>Township 21 North, Range 06 East of the</u>		
<u>6th P.M. in Cuming County</u>		<u>Acres</u>
Section 16:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	13.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>12.0</u>
	TOTAL	230.0

7. Appropriation A-13906 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-13906 is divided into five appropriations, A-13906A, A-13906B, A-13906C, A-13906D and A-13906E.
2. Appropriation A-13906A is held by Timothy V. and Sarah R. Rolf.
 - A. Appropriation A-13906A authorizes the use of water to irrigate the 40.0 acres of land described below and depicted on map number 19488, 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 0.57 cfs (256 gallons per minute). Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 21 North, Range 06 East of the</u>		
<u>6th P.M. in Cuming County</u>		<u>Acres</u>
Section 16:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0

- B. All terms and conditions of the approval of appropriation A-13906 remain in effect unless specifically changed by this Order.
- C. The points of diversion remain on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 21 North, Range 06 East of the 6th P.M. in Cuming County, as depicted on map number 19488. If the owners of the land appurtenant to appropriation A-13906A 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.
3. Appropriation A-13906B is held by Loran B. and Sandra A. Rolf.
- A. Appropriation A-13906B authorizes the use of water to irrigate the 98.0 acres of land described below and depicted on map number 19489, 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 1.4 cfs (628 gallons per minute). Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 21 North, Range 06 East of the</u>		
<u>6th P.M. in Cuming County</u>		<u>Acres</u>
Section 16:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>13.0</u>
	TOTAL	98.0

- B. All terms and conditions of the approval of appropriation A-13906 remain in effect unless specifically changed by this Order.
- C. The points of diversion remain on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 21 North, Range 06 East of the 6th P.M. in Cuming County, as depicted on map number 19489. If the owners of the land appurtenant to appropriation A-13906B 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-13906C is held by Knobbe, Limited.

A. Appropriation A-13906C authorizes the use of water to irrigate the 49.6 acres of land described below and depicted on map number 19490, 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 0.72 cfs (323 gallons per minute). Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 21 North, Range 06 East of the</u>		
<u>6th P.M. in Cuming County</u>		<u>Acres</u>
Section 16:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>9.6</u>
	TOTAL	49.6

B. All terms and conditions of the approval of appropriation A-13906 remain in effect unless specifically changed by this Order.

C. The points of diversion remain on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 21 North, Range 06 East of the 6th P.M. in Cuming County, as depicted on map number 19490. If the owner of the land appurtenant to appropriation A-13906C does not have access to these points of diversion, Knobbe, Limited 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.

5. Appropriation A-13906D is held by Julie Hindmarsh.

A. Appropriation A-13906D authorizes the use of water to irrigate the 2.4 acres of land described below and depicted on map number 19491, 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 0.03 (13 gallons per minute). Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 21 North, Range 06 East of the</u>		
<u>6th P.M. in Cuming County</u>		<u>Acres</u>
Section 16:	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.4

B. All terms and conditions of the approval of appropriation A-13906 remain in effect unless specifically changed by this Order.

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

April 5, 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 19488, 19489, 19490, 19491 and 19495 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and maps number 19488, 19489, 19490, 19491 and 19495 were mailed on April 5, 2016, to the following:

Timothy V. and Sarah R. Rolf
484 15th Road
West Point, Nebraska 68788

Linda Margaret Redel
12121 North 156th Avenue
Bennington, Nebraska 68007

Loran B. and Sandra A. Rolf
450 15th Road
West Point, Nebraska 68788

Dean Raymond Hagedorn
246 North Farragut Street
West Point, Nebraska 68788

Scott Knobbe
Knobbe, Limited
595 15th Road
West Point, Nebraska 68788

Lee Anthony Hagedorn
c/o Dean Raymond Hagedorn
246 North Farragut Street
West Point, Nebraska 68788