STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING APPROPRIATION A-17734

AND APPROVAL OF MAPS NUMBER 19799 AND 19800

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the N½NE¼ of Section 31, Township 18 North, Range 12 West of the 6th P.M. in Greeley County appurtenant to surface water appropriation A-17734 is owned by Paul M. Schudel.

2. Records on file in the Department show that land located in the SW¼NE¼ of Section 31, Township 18 North, Range 12 West of the 6th P.M. in Greeley County appurtenant to surface water appropriation A-17734 is owned by Susan Manchester.

3. Appropriation A-17734 with a priority date of February 11, 1999, authorizes the use of water for irrigation of the 20.0 acres of land described below. The water may be diverted from Mira Creek at points of diversion located on both banks of the stream in the N½NE¼ of Section 31, Township 18 North, Range 12 West of the 6th P.M. in Greeley County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 152 acres irrigated at a maximum combined rate of 0.13 cfs from all points of diversion.

Township 18 North, Range 12 West of the 6th P.M. in Greeley County		Acres
Section 31:	NW¼NE¼	14.0
	NE¼NE¼	0.6
	SW¼NE¼	5.4
	TOTAL	20.0

4. Appropriation A-17734 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-17734 is divided into two appropriations, A-17734A and A-17734B.

2. Appropriation A-17734A authorizes the use of water to irrigate the 14.6 acres of land described below and depicted on map number 19799, which is made a part of this Order. Water diverted shall not exceed the ratio of one cfs per 152 acres irrigated at a maximum rate of 0.10 cfs (45 gallons per minute). Total annual volume of water diverted may not exceed three acre-feet per acre irrigated.

Township 18 North, Range 12 West of the 6th P.M. in Greeley County		Acres
Section 31:	NW¼NE¼	14.0
	NE¼NE¼	0.6
	TOTAL	14.6

3. Appropriation A-17734B authorizes the use of water to irrigate the 5.4 acres of land described below and depicted on map number 19800, which is made a part of this Order. Water diverted shall not exceed the ratio of one cfs per 152 acres irrigated at a maximum rate of 0.03 cfs (13 gallons per minute). Total annual volume of water diverted may not exceed three acre-feet per acre irrigated.

Township 18 North, Range 12 West of the 6th P.M. in Greeley County		Acres
Section 31:	SW¼NE¼	5.4

4. The point of diversion for A-17734A and A-17734B remain on both banks of the stream in the N½NE¼ of Section 31, Township 18 North, Range 12 West of the 6th P.M. in Greeley County, as depicted on maps number 19799 and 19800, which are made a part of this Order. Total annual volume of water diverted may not exceed three acre-feet per acre irrigated per year.

5. If the owners of the land appurtenant to appropriations A-17734A and A-17734B do not have access to the abovementioned 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 point of diversion

6. All terms and conditions of appropriation A-17734 remain in effect unless specifically changed by this Order.

7. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:

   A. Notify the Department of any change in ownership or address.

   B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).

C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

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

January 26, 2017

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 19799 and 19800 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 19799 and 19800 were mailed on January 26, 2017, to the following:

Susan L. and Charles Manchester
48691 801A Road
North Loup, Nebraska 68859

Paul M. Schudel
1524 141st Avenue
Omaha, Nebraska 68154