

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-15591

WATER DIVISION 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15591 is currently held by Howard R. Lefler.
2. Appropriation A-15591 with a priority date of September 26, 1979, authorizes the use of water for irrigation of the 172 acres of land described below. The water may be diverted from Indian Creek at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and on the right bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ both in Section 33, Township 8 North, Range 2 West of the 6th P.M. in Fillmore 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 combined rate of 2.46 cfs from all points of diversion. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 8 North, Range 2 West of the 6th P.M. in Fillmore County</u>	<u>Acres</u>
Section 33: NE $\frac{1}{4}$ NW $\frac{1}{4}$	38
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38
NW $\frac{1}{4}$ NE $\frac{1}{4}$	30
SW $\frac{1}{4}$ NE $\frac{1}{4}$	31
NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>35</u>
TOTAL	172

3. Rebecca Willcoxon, on behalf of Garold E. and Dorothy Stephenson, Rebecca A Willcoxon and the Rebecca A. Willcoxon Revocable Trust, (Stephenson et al.) 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 A-15591.
4. Howard R. Lefler and Donna J. Lefler 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 A-15591.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-15591 is divided into two appropriations, A-15591A and A-15591B.

2. Appropriation A-15591A is held by Howard R. and Donna J. Lefler.

A. They are allowed to divert 1.96 cfs (880 gallons per minute) from Indian Creek to irrigate the 137 acres of land described below and as depicted on map number 17585 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. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 8 North, Range 2 West of the</u> <u>6th P.M. in Fillmore County</u>		<u>Acres</u>
Section 33: NE $\frac{1}{4}$ NW $\frac{1}{4}$		38
SE $\frac{1}{4}$ NW $\frac{1}{4}$		38
NW $\frac{1}{4}$ NE $\frac{1}{4}$		30
SW $\frac{1}{4}$ NE $\frac{1}{4}$		<u>31</u>
TOTAL		137

B. All terms and conditions of appropriation A-15591 remain in effect unless specifically changed by this Order.

C. The points of diversion remain on the left bank of Indian Creek in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and on the right bank in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ both in Section 33, Township 8 North, Range 2 West of the 6th P.M. in Fillmore County. If the owners of appropriation A-15591A do not have access to these points 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 points of diversion.

3. Appropriation A-15591B is held by Garold E. Stephenson et al.

A. They are allowed to divert 0.50 cfs (224 gallons per minute) from Indian Creek to irrigate the 35 acres of land described below and as depicted on map number 17586 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. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 8 North, Range 2 West of the</u> <u>6th P.M. in Fillmore County</u>		<u>Acres</u>
Section 33: NE $\frac{1}{4}$ SW $\frac{1}{4}$		35

B. All terms and conditions of appropriation A-15591 remain in effect unless specifically changed by this Order.

C. The points of diversion remain on the left bank of Indian Creek in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and on the right bank in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ both in Section 33, Township 8 North, Range 2 West of the 6th P.M. in Fillmore County. If the owners of appropriation A-15591B do not have access to these points 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 points of diversion.

Additional Information

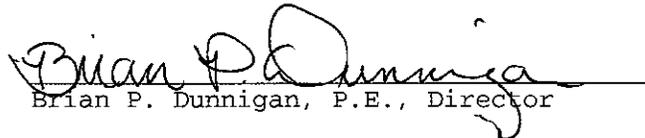
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

January 29, 2010


Brian P. Dunnigan, 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 Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, 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 17585 and 17586 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 17585 and 17586 were mailed on January 29, 2010, to the following:

Rebecca Willcoxon Revocable Trust
Rebecca Willcoxon
15117 Vernon Avenue
Omaha, Nebraska 68116

Garold E. & Dorothy Stephenson
659 Pen Ridge Road
Hood, Virginia 22723

Howard R. & Donna J. Lefler
1110 Road F
Fairmont, Nebraska 68354