

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

CORRECTED MAP APPROVAL AND APPROVAL OF PETITION RLP-1709 TO

CHANGE THE LOCATION OF

DIVERSION FOR WATER APPROPRIATION A-18246

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18246 is held by Jack Bond.
2. Appropriation A-18246 has a priority date of May 21, 2004, and authorizes the use of water for irrigation of the 705.0 acres described below and depicted on map number 16497. The water may be diverted from the Niobrara River at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, Township 33 North, Range 33 West of the 6<sup>th</sup> P.M. in Cherry 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 10.07 cfs (4,520 gallons per minute).

Township 33 North, Range 33 West of the 6 <sup>th</sup> P.M. in Cherry County		Acres
Section 19:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
Section 20:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	29.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	26.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	25.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	16.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	28.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8.0

Township 33 North, Range 33 West of the  
6<sup>th</sup> P.M. in Cherry County

	Acres
Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$	13.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0
TOTAL	705.0

3. On August 20, 2009, Larry Bond, on behalf of Jack Bond, filed petition RLP-1709 in the Department for a permit to correct the existing location of diversion and to add a second location of diversion for appropriation A-18246.
  
4. The Department's mapping staff, using current mapping technology, prepared map number 17478, which more accurately depicts the 705.0 acres of land authorized for irrigation under appropriation A-18246. The total acres under irrigation remain unchanged; however, the numbers of acres per quarter-quarter are more precise than the original hand-drawn map.
  
5. On September 10, 2009, Larry Bond, on behalf of Jack Bond, filed map number 17478 in the Department showing the corrected location of the existing pump site, the location of the proposed pump site and more accurately depicts the land to be irrigated under appropriation A-18246 through petition RLP-1709.

Order

IT IS HEREBY ORDERED:

1. The Order dated July 15, 2004, approving map number M-16497 is hereby set aside.
  
2. Petition RLP-1709 for a permit to correct the existing location of diversion and to add a second location of diversion and map number 17478 are APPROVED.
  
3. Appropriation A-18246 through petition RLP-1709 is now A-18246R.

4. Appropriation A-18246R authorizes the use of water to irrigate 705.0 acres of land described below and depicted on map number 17478, which is made a part of this Order. The water may be diverted from the Niobrara River at points of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 28 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29, both in Township 33 North, Range 33 West of the 6<sup>th</sup> P.M. in Cherry County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 10.07 cfs (4,520 gallons per minute) from all points of diversion. The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 33 North, Range 33 West of the</u>		
<u>6<sup>th</sup> P.M. in Cherry County</u>		<u>Acres</u>
Section 19:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
Section 20:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.1
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	24.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	22.2
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	24.3
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.9
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.8
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	29.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.9
Section 21:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.2
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.1
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.8
Section 29:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.6
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>1.6</u>
	TOTAL	705.0

5. All terms and conditions of appropriation A-18246 remain in effect unless specifically changed by this Order.

