

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER CORRECTING LOCATION OF LAND APPROVED FOR IRRIGATION BY

ORDER DATED FEBRUARY 24, 1956, AND

APPROVAL OF MAP NUMBER 17545 FOR WATER APPROPRIATION A-6238

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6238 is currently held by Roy E. Breuklander.
2. Appropriation A-6238 has a priority date of April 23, 1954, and authorizes the use of water for irrigation of the 35.9 acres of land as depicted on map number 7057 and described below. The water may be diverted from the Niobrara River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 17, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, both in Township 33 North, Range 24 West of the 6<sup>th</sup> P.M. in Keya Paha County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 100 acres irrigated at a maximum combined rate of 0.36 cfs from all points of diversion. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 33 North, Range 24 West of the 6 <sup>th</sup> P.M. in Keya Paha County		Acres
Section 7:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.4
Section 17:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.1
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.6
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.1</u>
TOTAL		35.9

3. A review of the Department's records, using current mapping technology, indicates that map number 7057 plotted the river road and the Niobrara River, on average, 300 feet north of the actual location. Section 7 and Section 17, both in Township 33 North, Range 24 West of the 6<sup>th</sup> P.M. in Keya Paha County are incorrectly plotted; therefore, the land authorized for irrigation described above and depicted on map number 7057 is north of the actual fields intended for irrigation under appropriation A-6238.

4. On December 28, 2009, Roy E. Breuklander filed map number 17545 showing the correct location of land to be irrigated under application A-6238.

Order

IT IS HEREBY ORDERED:

1. The Order dated February 24, 1956, and map number 7057 are set aside.
2. Map number 17545 is APPROVED.
3. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-6238 as depicted on map number 17545 which is made a part of this Order.

Township 33 North, Range 24 West of the 6 <sup>th</sup> P.M. in Keya Paha County	Acres
Section 7: SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4
Section 17: NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.9
SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.6
NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	14.0
Section 18: NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>4.0</u>
TOTAL	35.9

4. Appropriation A-6238 is held by Roy E. Breuklander and authorizes the use of water for irrigation of the 35.9 acres of land described above. The water may be diverted from the Niobrara River at points of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 17, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, both in Township 33 North, Range 24 West of the 6<sup>th</sup> P.M. in Keya Paha County, at a maximum combined rate of 0.36 cfs (162 gallons per minute) from all points of diversion. The rate that water may be diverted shall not exceed one cfs for every 100 acres irrigated and an annual volume not to exceed 3 acre-feet per acre irrigated.
5. The appropriator must comply with all relevant statutes. This includes, but is 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.

