

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER NUNC PRO TUNC OF ORDER OF CHANGE OF OWNERSHIP DATED AUGUST 26, 2007,
FOR WATER APPROPRIATIONS A-9666A, A-9666B AND A-9666C

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9666A is held by Raymond Small, appropriation A-9666B is held by Evelyn Moody, and appropriation A-9666C is held by Walton Family Revocable Trust.
2. Appropriation A-9666A has a priority date of December 12, 1958, and authorizes the use of water for irrigation of 7.5 acres of land. The water may be diverted from Bone Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 30 North, Range 21 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed 0.11 cubic foot per second (cfs).
3. Appropriation A-9666B has a priority date of December 12, 1958, and authorizes the use of water for irrigation of 17.8 acres of land. The water may be diverted from Bone Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 30 North, Range 21 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed 0.25 cubic foot per second cfs.
4. Appropriation A-9666C has a priority date of December 12, 1958, and authorizes the use of water for irrigation of 13.4 acres of land. The water may be diverted from Bone Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 30 North, Range 21 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed 0.19 cubic foot per second cfs.

5. A review of the Department's records indicates that a scrivener's error was made on the Township listed on map numbers 17021A, 17021B, 17021C, the legal description of the point of diversion, and appurtenant land authorized for irrigation under appropriations A-9666B and A-9666C in the Order of Change of Ownership dated August 26, 2007, and as described in Column A below. The point of diversion and appurtenant land is correctly described in Column B.

<u>COLUMN A</u> <u>A-9666B</u>	<u>COLUMN B</u> <u>A-9666B</u>
Point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 8, North, Range 21 West of the 6 th P.M. in Brown County.	Point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8 Township 30 North, Range 21 West of the 6 th P.M. in Brown County.
<u>Township 8 North, Range 21 West of the 6th P.M., Brown County</u> Acres	<u>Township 30 North, Range 21 West of the 6th P.M., Brown County</u> Acres
Section 30: SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.8	Section 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.8

<u>COLUMN A</u> <u>A-9666C</u>	<u>COLUMN B</u> <u>A-9666C</u>
Point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 8, Range 21 West of the 6 th P.M. in Brown County.	Point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8 Township 30, Range 21 West of the 6 th P.M. in Brown County.
<u>Township 8 North, Range 21 West of the 6th P.M., Brown County</u> Acres	<u>Township 30 North, Range 21 West of the 6th P.M., Brown County</u> Acres
Section 30: SW $\frac{1}{4}$ NW $\frac{1}{4}$ 13.4	Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$ 13.4

Order

IT IS HEREBY ORDERED:

1. Appropriation A-9666A permits Raymond Small to divert water from Bone Creek to irrigate the 7.5 acres of land described below and depicted on map number 17655 which is made a part of this Order. The point of diversion remains in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 30 North, Range 21 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed 0.11 cfs (49 gallons per minute).

Township 30 North, Range 21 West
Brown County Acres

Section 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.5

2. Appropriation A-9666B permits Evelyn Moody to divert water from Bone Creek to irrigate the 17.8 acres of land described below and depicted on map number 17656 which is made a part of this Order. The point of diversion remains in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 30 North, Range 21 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed 0.25 cfs (112 gallons per minute).

Township 30 North, Range 21 West
Brown County Acres

Section 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.8

3. Appropriation A-9666C permits Walton Family Revocable Trust to divert water from Bone Creek to irrigate the 13.4 acres of land described below and depicted on map number 17657 which is made a part of this Order. The point of diversion remains in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 30 North, Range 21 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed 0.19 cfs (85 gallons per minute).

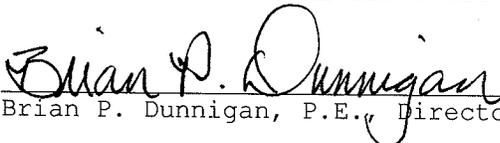
Township 30 North, Range 21 West
Brown County Acres

Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$ 13.4

4. All terms and conditions of appropriations A-9666A, A-9666B and A-9666C remain in effect unless specifically changed by this Order.

DEPARTMENT OF NATURAL RESOURCES

April 26, 2010



Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 17655, 17656 and 17657 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 17655, 17656 and 17657 were mailed on April 26, 2010, to the following:

Evelyn Moody
Rural Route 2 Box 211
Ainsworth, Nebraska 69210

Walton Family Revocable Trust
c/o Richard & LaPreil Walton, Trustees
18418 East Cobre Way
Rio Verde, Arizona 85263

Raymond Small
Rural Route 2
Box 182
Ainsworth, Nebraska 69210