

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP, CANCELLATION IN PART AND
APPROVAL OF EXPEDITED TRANSFER EXT-4848 FOR WATER APPROPRIATION A-8892

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that a portion of the land appurtenant to appropriation A-8892 located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 13, Township 14 North, Range 17 West of the 6th P.M. in Custer County is owned by Mildred Fisher.
2. Records on file in the Department show that a portion of the land appurtenant to appropriation A-8892 located in the SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 13 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 24, Township 14 North, Range 17 West of the 6th P.M. in Custer County is owned by Bruce E. and Rhonda K. Guthard.
3. Appropriation A-8892 has a priority date of October 9, 1956, and authorizes the use of water for irrigation of the 119.0 acres of land described below. The water may be diverted from Mud (Beaver) Creek at points of diversion located on both banks of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13 and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, both in Township 14 North, Range 17 West of the 6th P.M. in Custer County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.70 cfs from all points of diversion.

| <u>Township 14 North, Range 17 West of the</u> | | <u>Acres</u> |
|--|-----------------------------------|--------------|
| <u>6th P.M. in Custer County</u> | | |
| Section 13: | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 13.5 |
| | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 24.0 |
| | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 15.0 |
| | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 20.0 |
| | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 20.5 |
| Section 24: | E $\frac{1}{2}$ NE $\frac{1}{4}$ | <u>26.0</u> |
| | TOTAL | 119.0 |

4. A review of the Department's records indicates a scrivener's error was made on the Order dated June 12, 1959, approving map number 8304 for appropriation A-8892. The secondary point of diversion was incorrectly identified as the ~~NE $\frac{1}{4}$ SE $\frac{1}{4}$~~ of Section 24, Township 14 North, Range 17 West of the 6th P.M. in Custer County; the correct location is the ~~NE $\frac{1}{4}$ NE $\frac{1}{4}$~~ of Section 24.

- B. All terms and conditions of appropriation A-8892 remain in effect unless specifically changed by this Order.
4. Appropriation A-8892B is held by Bruce E. and Rhonda K. Guthard.
- A. Application EXT-4848 for a permit for an expedited transfer of the location of use and map number 18679 are APPROVED.
 - B. Appropriation A-8892B through transfer EXT-4848 authorizes the use of water to irrigate 98.7 acres of land described below and depicted on map number 18679, which is made a part of this Order. The water may be diverted from Mud (Beaver) Creek at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, both in Township 14 North, Range 17 West of the 6th P.M. in Custer County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.41 cfs from both points of diversion (633 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

| Township 14 North, Range 17 West of the 6 th P.M. in Custer County | Acres |
|--|------------|
| Section 13: NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 3.5 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 24.4 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 0.1 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 14.3 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 12.9 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 21.1 |
| Section 24: SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 20.4 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>2.0</u> |
| TOTAL | 98.7 |

- C. All terms and conditions of appropriation A-8892 remain in effect unless specifically changed by this Order.
5. The appropriators 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.

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.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

December 23, 2013


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 18679 and 18730 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 18679 and 18730 were mailed on December 23, 2013, to the following:

Mildred Fisher
78375 Highway 2
Litchfield, Nebraska 68852

Bruce E. and Rhonda K. Guthard
46195 Litchfield Road
Litchfield, Nebraska 68852