

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-10328

AND APPROVAL OF MAPS NUMBER 20881 AND 20882

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Justine L. Shoemaker owns land located in the NW $\frac{1}{4}$ of Section 27, Township 19 North, Range 13 West of the 6th P.M. in Valley County appurtenant to a portion of surface water appropriation A-10328.
2. Records on file in the Department show that Blake and Jacelyn Augustyn own land located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27 of said legal description appurtenant to a portion of surface water appropriation A-10328.
3. Appropriation A-10328 with a priority date of March 19, 1964, authorizes the use of water for irrigation of the 31.5 acres of land described below. The water may be diverted from Spring Creek at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 19 North, Range 13 West of the 6th P.M. in Valley County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.45 cfs.

<u>Township 19 North, Range 13 West of the</u>		
<u>6th P.M. in Valley County</u>		<u>Acres</u>
Section 27:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.8
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.2
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>10.0</u>
	TOTAL	31.5

4. On December 6, 2021, Blake and Jacelyn Augustyn filed a *Notice of Change of Ownership/Water Resources Update Notice* indicating that they own a portion of the land authorized to be irrigated by appropriation A-10328.
5. Appropriation A-10328 was originally granted to a single landowner. The appurtenant land was later divided into distinct parcels to multiple owners. Because of the multiple owners, the Department determined that it is in the best interest of the owners and the State to divide the water appropriation among the owners so that each owner's rights are distinguishable.

ORDER

IT IS HEREBY ORDERED:

1. Appropriation A-10328 is divided into two appropriations, A-10328A and A-10328B.
2. Appropriation A-10328A authorizes the use of water to irrigate the 21.5 acres of land described below and depicted on map number 20881, which is made a part of this Order. Water diverted from Spring Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.31 cfs (139 gallons per minute).

Township 19 North, Range 13 West of the
6th P.M. in Valley County Acres

Section 27: NW ¹ / ₄ NW ¹ / ₄	2.8
SW ¹ / ₄ NW ¹ / ₄	10.5
SE ¹ / ₄ NW ¹ / ₄	<u>8.2</u>
TOTAL	21.5

3. Appropriation A-10328B authorizes the use of water to irrigate the 10.0 acres of land described below and depicted on map number 20882, which is made a part of this Order. Water diverted from Spring Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.14 cfs (63 gallons per minute).

Township 19 North, Range 13 West of the
6th P.M. in Valley County Acres

Section 27: NW ¹ / ₄ SE ¹ / ₄	10.0
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4. All terms and conditions of the approval of appropriation A-10328 remain in effect unless specifically changed by this Order.
5. The point of diversion for A-10328A and A-10328B remains in the SW¹/₄NW¹/₄ of Section 27, Township 19 North, Range 13 West of the 6th P.M. in Valley County, as depicted on maps number 20881 and 20882. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
6. If the appropriators of A-10328A and A-10328B do not have access to the points of diversion, they must either obtain permission from the landowner or file a Petition for Relocation of the Point of Diversion and have it approved by the Department prior to any 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 Order 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 28, 2022

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 20881 and 20882 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 20881 and 20882 were mailed on January 28, 2022, to the following:

Justine L. Shoemaker
48371 Springdale Road
Ord, Nebraska 68862

Blake and Jacelyn Augustyn
48353 Springdale Road
Ord, Nebraska 68862