

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-17892B

AND APPROVAL OF MAPS NUMBER 20873 AND 20874

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 27, Township 04 North, Range 08 West of the 6th P.M. in Nuckolls County appurtenant to surface water appropriation A-17892B is currently owned by Pioneer Pork LLC.
2. Records on file in the Department show that a portion of the land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 04 North, Range 08 West of the 6th P.M. in Nuckolls County appurtenant to surface water appropriation A-17892B is currently owned by David Mazour.
3. A scrivener's error was made on the Order dated March 28, 2001, approving map number 15874 which listed 21 acres incorrectly in the SE $\frac{1}{4}$ NW $\frac{1}{4}$; the 21 acres are located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$.
4. Appropriation A-17892B with a priority date of July 18, 2000, authorizes the use of water from Pohlmeier Reservoir (A-11198) for irrigation of the 49 acres of land described below.

Township 04 North, Range 08 West of the 6 th P.M. in Nuckolls County	Acres
Section 27: NE $\frac{1}{4}$ NW $\frac{1}{4}$	7
SE $\frac{1}{4}$ NW $\frac{1}{4}$	5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	5
NE $\frac{1}{4}$ SW $\frac{1}{4}$	11
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>21</u>
TOTAL	49

5. The combined amount of water diverted under appropriations A-9279, A-17892A and A-17892B shall not exceed 61.4 acre-feet per annum from appropriation A-11198 measured at at a point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 04 North, Range 08 West of the 6th P.M. in Nuckolls County.
6. On November 8, 2021, David Mazour filed a Notice of Change of Ownership Water Resources Update Notice indicating that he is the owner of a portion of the land authorized to be irrigated by appropriation A-17892B.

7. Appropriation A-17892B 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-17892B is divided into two appropriations, A-17892C and A-17892D.
2. Appropriation A-17892C, held by Pioneer Pork LLC, authorizes the use of water from Pohlmeier Reservoir to irrigate the 42 acres of land described below and depicted on map number 20873, which is made a part of this Order.

<u>Township 04 North, Range 08 West of the 6th P.M. in Nuckolls County</u>	<u>Acres</u>
Section 27: SE $\frac{1}{4}$ NW $\frac{1}{4}$	5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	5
NE $\frac{1}{4}$ SW $\frac{1}{4}$	11
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>21</u>
TOTAL	42

3. Appropriation A-17892D, held by David Mazour, authorizes the use of water from Pohlmeier Reservoir to irrigate the 7 acres of land described below and depicted on map number 20874, which is made a part of this Order.

<u>Township 04 North, Range 08 West of the 6th P.M. in Nuckolls County</u>	<u>Acres</u>
Section 27: NE $\frac{1}{4}$ NW $\frac{1}{4}$	7

4. The appropriation of water under A-9279, A-17892A, A-17892C and A-17892D shall not exceed 61.4 acre-feet per annum measured at a point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 04 North, Range 08 West of the 6th P.M. in Nuckolls County.
5. If the appropriators of A-17892C and A-17892D do not have access to the point 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 point of diversion.
6. All terms and conditions of previous orders for appropriation A-17892B remain in effect unless specifically changed by this Order.

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.

DEPARTMENT OF NATURAL RESOURCES



January 14, 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 ** were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 20873 and 20874 were mailed on January 14, 2022, to the following:

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