

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-11339

AND APPROVAL OF MAPS NUMBER 20948, 20949 AND 20950

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11339 is currently held by Lapaseottes Land LLC; CFP Capital a Nevada LLC; and Dallas and Agnes Y. L. Brown Welker, D. D. Kope, V.M. Post and J. Morgan.
2. Appropriation A-11339 with a priority date of February 19, 1968, authorizes the use of water for irrigation of the 229.0 acres of land described below. The water may be diverted from Deep Holes Creek at points of diversion located on the left bank of the stream in the NW¹/₄NE¹/₄ and SW¹/₄NE¹/₄ of Section 10, Township 18 North, Range 49 West of the 6th P.M. in Morrill 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 3.27 cfs from all points of diversion.

<u>Township 18 North, Range 49 West of the</u>		
<u>6th P.M. in Morrill County</u>		<u>Acres</u>
Section 10:	NW ¹ / ₄ NW ¹ / ₄	38.0
	NE ¹ / ₄ NW ¹ / ₄	37.0
	SW ¹ / ₄ NW ¹ / ₄	37.0
	SE ¹ / ₄ NW ¹ / ₄	40.0
	NW ¹ / ₄ NE ¹ / ₄	17.0
	SW ¹ / ₄ NE ¹ / ₄	16.0
	NW ¹ / ₄ SW ¹ / ₄	31.0
	NE ¹ / ₄ SW ¹ / ₄	<u>13.0</u>
	TOTAL	229.0

3. Appropriation A-11339 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-11339 is divided into three appropriations, A-11339A, A-11339B and A-11339C.

2. Appropriation A-11339A authorizes the use of water to irrigate the 191.8 acres of land described below. Water may be diverted from Deep Holes Creek at points of diversion located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 18 North, Range 49 West of the 6th P.M. in Morrill County as depicted on map number 20948, which is made a part of this Order. Water shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 2.74 cfs (1,230 gallons per minute).

<u>Township 18 North, Range 49 West of the</u>		
<u>6th P.M. in Morrill County</u>		<u>Acres</u>
Section 10:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	35.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	17.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>4.4</u>
	TOTAL	191.8

3. Appropriation A-11339B authorizes the use of water to irrigate the 36.6 acres of land described below. Water may be diverted from Deep Holes Creek at a point of diversion located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 18 North, Range 49 West of the 6th P.M. in Morrill County as depicted on map number 20949, which is made a part of this Order. Water diverted from Deep Holes Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.52 cfs (233 gallons per minute).

<u>Township 18 North, Range 49 West of the</u>		
<u>6th P.M. in Morrill County</u>		<u>Acres</u>
Section 10:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.1
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	27.5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>8.0</u>
	TOTAL	36.6

4. Appropriation A-11339C authorizes the use of water to irrigate the 0.6 acres of land described below. Water may be diverted from Deep Holes Creek at a point of diversion located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 18 North, Range 49 West of the 6th P.M. in Morrill County as depicted on map number 20950, which is made a part of this Order. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.01 cfs (4 gallons per minute)

<u>Township 18 North, Range 49 West of the</u>		
<u>6th P.M. in Morrill County</u>		<u>Acres</u>
Section 10:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6

5. All terms and conditions of the approval of appropriation A-11339 remain in effect unless specifically changed by this Order.

6. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
7. If the appropriators of A-11339A, A-11339B and A-11339C 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



May 3, 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 20948, 20949 and 20950 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and maps number 20948, 20949 and 20950 were mailed to the following:

Lapaseotes Land LLC
9744 US Highway 26
P.O. Box 863
Bridgeport, Nebraska 69336

CFP Capital, a NV LLC
P.O. Box 7
Dalton, Nebraska 69131

Dallas and Agnes Y. L. Brown Walker et al
7609 Road 113
Broadwater, Nebraska 69125