

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING APPROPRIATION A-18800BR

AND APPROVAL OF MAPS NUMBER 21270 AND 21271

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18800BR is currently held by Brian Assam and Alecia Heimes.
2. Appropriation A-18800BR with a priority date of August 26, 2011, authorizes the use of water for irrigation of the 82.1 acres of land described below. The water may be diverted from a tributary to Ponca Creek at points of diversion located in the SW¹/₄NW¹/₄ and NW¹/₄SW¹/₄ of Section 19, Township 33 North, Range 08 West of the 6th P.M. in Knox 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 1.17 cfs from all points of diversion.

| <u>Township 33 North, Range 09 West of the 6th P.M. in Boyd County</u> | <u>Acres</u> |
|---|--------------|
| Section 24: NW ¹ / ₄ SE ¹ / ₄ | 24.2 |
| NE ¹ / ₄ SE ¹ / ₄ | 7.5 |
| SW ¹ / ₄ SE ¹ / ₄ | 38.2 |
| SE ¹ / ₄ SE ¹ / ₄ | <u>12.2</u> |
| TOTAL | 82.1 |

3. The purpose of use of three acres appurtenant to appropriation A-18800BR is being changed to the production of food for wildlife from production of crops. Therefore, the irrigation of these three acres will be operated independently of the crop acres. It is necessary to divide A-18800BR for efficiency and administration of the water.

CONCLUSIONS

During times of shortage proper distribution of water supplies can best be made with the aid of a suitable measuring device. Multiple appropriations with varying priority dates serving the same land would render a visual inspection of the irrigation project inconclusive for determining compliance with a closing notice of a junior appropriation. Therefore, a measuring device should be required if any of the aforementioned stacked appropriations are subject to a closing or regulating notice.

ORDER

IT IS HEREBY ORDERED:

1. Appropriation A-18800BR is divided into two appropriations, A-18800C and A-18800D.

2. Appropriation A-18800C authorizes the use of water to irrigate the 3.0 acres of land described below and depicted on map number 21271, which is made a part of this Order. The water may be diverted from a tributary to Ponca Creek at points of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 33 North, Range 09 West of the 6th P.M. in Boyd County. Water diverted from a tributary to Ponca Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.04 cfs (18 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

| Township 33 North, Range 09 West of the 6 th P.M. in Boyd County | | Acres |
|--|-----------------------------------|------------|
| Section 24: | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 1.0 |
| Section 25: | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | <u>2.0</u> |
| TOTAL | | 3.0 |

3. A measuring device approved by the Department is required for A-18800C. Contact the Ord Field Office before acquiring a measuring device to ensure the device will be acceptable.
4. Appropriation A-18800D authorizes the use of water to irrigate the 79.1 acres of land described below and depicted on map number 21270, which is made a part of this Order. The water may be diverted from a tributary to Ponca Creek at points of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 33 North, Range 08 West of the 6th P.M. in Knox County. Water diverted from a tributary to Ponca Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.13 cfs (507 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

| Township 33 North, Range 09 West of the 6 th P.M. in Boyd County | | Acres |
|--|-----------------------------------|------------|
| Section 24: | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 24.2 |
| | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 7.5 |
| | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 37.9 |
| | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>9.5</u> |
| TOTAL | | 79.1 |

5. All terms and conditions of the approval of previous orders for appropriation A-18800 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.

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



Thomas E. Riley, P.E., Director

February 13, 2024

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 21270 and 21271 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 21270 and 21271 were mailed to the following:

Brian Assam and Alecia Heimes
57891 8845 Road
Newcastle, Nebraska 68757