

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING APPROPRIATION A-13432

AND APPROVAL OF MAPS NUMBER 21318 AND 21319

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13432 is currently held by Michael D. and Jennifer R. Egbers; Bravo Properties, LLC; Ridgeview Enterprises, LLC; and Kirk Estee et al.
2. Appropriation A-13432 with a priority date of February 20, 1975, authorizes the use of water for irrigation of the 172.0 acres of land described below. The water may be diverted from the Elkhorn River at a point of diversion located in the NW¹/₄NE¹/₄ of Section 13, Township 19 North, Range 07 East of the 6th P.M. in Dodge County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 1.22 cfs.

Township 19 North, Range 07 East of the 6 th P.M. in Dodge County	Acres
Section 13: NE ¹ / ₄ NW ¹ / ₄	4.5
SE ¹ / ₄ NW ¹ / ₄	7.5
NW ¹ / ₄ NE ¹ / ₄	32.0
NE ¹ / ₄ NE ¹ / ₄	14.5
SW ¹ / ₄ NE ¹ / ₄	20.0
SE ¹ / ₄ NE ¹ / ₄	31.5
NW ¹ / ₄ SE ¹ / ₄	22.0
NE ¹ / ₄ SE ¹ / ₄	35.5
SE ¹ / ₄ SE ¹ / ₄	4.5
TOTAL	172.0

3. On June 15, 2022, Michael D. and Jennifer R. Egbers filed a Notice of Change of Ownership/Water Resources Update Notice indicating they are the owners of a portion of the land authorized to be irrigated by appropriation A-13432.
4. Appropriation A-13432 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-13432 is divided into two appropriations, A-13432A and A-13432B.
2. Appropriation A-13432A authorizes the use of water to irrigate the 160.0 acres of land described below and depicted on map number 21318, which is made a part of this Order. Water from the Elkhorn River at a point of diversion located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 19 North, Range 07 East of the 6th P.M. in Dodge County. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 1.14 cfs (512 gallons per minute). The total volume may not exceed 1.49 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

<u>Township 19 North, Range 07 East of the</u>		
<u>6th P.M. in Dodge County</u>		<u>Acres</u>
Section 13:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	14.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.5
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>3.1</u>
	TOTAL	160.0

3. The Department will initiate formal cancellation proceedings by issuing a Preliminary Determination of Nonuse on the remaining 12.0 acres appurtenant to appropriation A-13432B owned by Bravo Properties, LLC; Ridgeview Enterprises, LLC; and Kirk Estee et al, which are depicted on map number 21319 and made a part of this Order. The associated point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 19 North, Range 07 East of the 6th P.M. in Dodge County, as depicted on map number 21319. The original application was approved at a ratio of one cfs for every 140 acres irrigated. The rate associated with the acres listed below is 0.08 cfs, which is the amount subject to cancellation for nonuse.

<u>Township 19 North, Range 07 East of the</u>		
<u>6th P.M. in Dodge County</u>		<u>Acres</u>
Section 13:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>7.5</u>
	TOTAL	12.0

4. All terms and conditions of the approval of appropriation A-13432 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



March 5, 2024

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 21318 and 21319 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and maps number 21318 and 21319 were mailed to the following:

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Uehling, Nebraska 68063

Ridgeview Enterprises, LLC
1344 South 162nd Avenue
Omaha, Nebraska 68130

Bravo Properties, LLC
620 North 156th Avenue
Omaha, Nebraska 68118

Kirk Estee et al
2506 South 95th Circle
Omaha, Nebraska 68124