

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER MERGING WATER APPROPRIATIONS A-8227A AND A-8227B

AND APPROVAL OF MAP NUMBER 21384

WATER DIVISION 2-C

BACKGROUND

1. Appropriations A-8227A and A-8227B have a priority date of October 18, 1955, and authorize the use of water for irrigation of 328.0 acres of land; 306.4 acres under A-8227A, and 21.6 acres under A-8227B. The water may be diverted from the Betsy Creek at a point of diversion located on the right bank of the stream in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 20, Township 29 North, Range 34 West of the 6<sup>th</sup> P.M. in Cherry County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 75 acres irrigated at a combined maximum rate of 4.37 cfs.
2. On August 4, 2023, Sandhills Ranch Properties file a notice of change of ownership/water resources update notice for appropriations A-8227A and A-8227B.
3. The land appurtenant to appropriations A-8227A and A-8227B is owned by Sandhills Ranch Properties and share a common diversion facility. Therefore, they should be merged into one appropriation in order to simplify water administration.

ORDER

IT IS HEREBY ORDERED:

1. Appropriations A-8227A and A-8227B are merged into appropriation A-8227C.

3. Appropriation A-8227C now permits the appropriator to divert water from Betsy Creek to irrigate the 328.0 acres of land described below and depicted on map number 21384 which is made a part of this Order.

<u>Township 29 North, Range 34 West of the</u>		
<u>6<sup>th</sup> P.M. in Cherry County</u>		<u>Acres</u>
Section 20:	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5.8
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	21.2
Section 21:	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	13.7
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	30.9
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	37.6
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	21.6
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	12.2
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	40.0
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	40.0
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	9.6
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	33.8
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	40.0
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	13.3
Section 22:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	0.7
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	1.9
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	5.1
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	<u>0.6</u>
	TOTAL	328.0

4. The water may be diverted from Betsy Creek at a point of diversion located on the right bank of the stream in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 20, Township 29 North, Range 34 West of the 6<sup>th</sup> P.M. in Cherry County, as depicted on map number 21384. Water diverted shall not exceed a maximum rate of 4.37 cfs (1961 gallons per minute).
5. All terms and conditions of previous approvals for appropriation A-8227 remain in effect for A-8227C unless specifically changed by this Order.
6. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
- A. Notify the Department of any change in ownership or address.
  - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
  - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES



May 22, 2024

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Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21384 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 21384 were mailed to the following:

Sandhills Ranch Properties  
35381 West Dry Valley Road  
Mullen, Nebraska 69152

Turner Enterprises, Inc.  
907 Technology Boulevard  
Bozeman, Montana 59718