

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-9887

AND APPROVAL OF MAPS NUMBER 20301 AND 20302

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 01 North, Range 17 East of the 6th P.M. lying west of Noharts Creek is owned by Sac & Fox Nation of Missouri.
2. Records on file in the Department show that land located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 36, Township 01 North, Range 17 East lying east of Noharts Creek and the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 01 North, Range 18 East of the 6th P.M. is owned by Stargazer Land & Cattle Company.
3. Appropriation A-9887 with a priority date of February 6, 1961, authorizes the use of water for irrigation of the 280.0 acres of land described below. The water may be diverted from the Big Nemaha River at points of diversion located on the south bank of the stream in the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 36, Township 01 North, Range 17 East and in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 31, Township 01 North, Range 18 East of the 6th P.M. in Richardson 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 4.00 cfs from all points of diversion.

Township 01 North, Range 17 East of the 6 th P.M. in Richardson County	Acres	Township 01 North, Range 18 East of the 6 th P.M. in Richardson County	Acres
Section 36: NW $\frac{1}{4}$ NW $\frac{1}{4}$	23.0	Section 31: NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.0
		NE $\frac{1}{4}$ NW $\frac{1}{4}$	17.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	21.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	22.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>2.0</u>
SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0	TOTAL	280.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	27.0		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	18.0		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0		

4. Appropriation A-9887 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 were distinguishable.

ORDER

IT IS HEREBY ORDERED:

1. Appropriation A-9887 is divided into two appropriations, A-9887A and A-9887B.
2. Appropriation A-9887A authorizes the use of water to irrigate the 45 acres of land described below and depicted on map number 20301, which is made a part of this Order. The water may be diverted from the Big Nemaha River at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 01 North, Range 17 East of the 6th P.M. in Richardson 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 0.64 cfs (287 gallons per minute) from all points of diversion

<u>Township 01 North, Range 17 East of the</u>	
<u>6th P.M. in Richardson County</u>	<u>Acres</u>
Section 36: NW $\frac{1}{4}$ NW $\frac{1}{4}$	23.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.8
NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>16.2</u>
TOTAL	45.0

3. Appropriation A-9887B authorizes the use of water to irrigate the 235 acres of land described below and depicted on map number 20302, which is made a part of this Order. The water may be diverted from the Big Nemaha River at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 01 North, Range 17 East and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 01 North, Range 18 East of the 6th P.M. in Richardson 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 3.36 (1,508 gallons per minute) cfs from all points of diversion.

<u>Township 01 North, Range 17 East of the</u>	
<u>6th P.M. in Richardson County</u>	<u>Acres</u>
Section 36: SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.2
SE $\frac{1}{4}$ NE $\frac{1}{4}$	21.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.8
SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	27.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	18.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0

<u>Township 01 North, Range 18 East of the</u>	
<u>6th P.M. in Richardson County</u>	<u>Acres</u>
Section 31: NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	17.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>2.0</u>
TOTAL	235.0

4. All terms and conditions of the approval of appropriation A-9887 remain in effect unless specifically changed by this Order.

ADDITIONAL INFORMATION

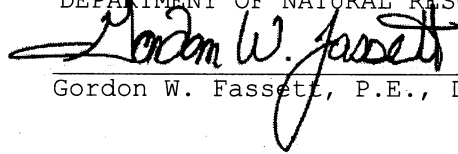
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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.

November 8, 2018

DEPARTMENT OF NATURAL RESOURCES



Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 20301 and 20302 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 20301 and 20302 were mailed on November 8, 2018, to the following:

Sac & Fox Nation of Missouri
305 North Main
Reserve, Kansas 66434

Michael J. Smothers
Stargazer Land & Cattle Company
7545 Ashworth Road Suite 150
West Des Moines, Iowa 50266