

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-16907B,  
MERCING PART OF A-16907B INTO A-16907A  
AND APPROVAL OF MAPS NUMBER 20337 AND 20338

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16907A is currently held by Paul R. and Patricia A. Renner.
2. Records on file in the Department show that surface water appropriation A-16907B is currently held by Lowell Schroeder.
3. Appropriation A-16907 was originally granted to a single landowner and the appurtenant land was subsequently divided into distinct parcels to multiple owners. By Order dated January 25, 2010, the Department divided the appropriation between the owners so that each owner's rights were distinguishable.
4. Appropriations A-16907A and A-16907B which have a priority date of January 2, 1990, authorize the use of water for irrigation from Union Creek at points of diversion located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 14, Township 22 North, Range 01 East of the 6<sup>th</sup> P.M. in Stanton County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a total maximum combined rate of 1.11 cfs from all points of diversion.

<b>A-16907A</b>		<b>A-16907B</b>	
Township 22 North, Range 01 East of the 6 <sup>th</sup> P.M. in Stanton County	Acres	Township 22 North, Range 01 East of the 6 <sup>th</sup> P.M. in Stanton County	Acres
Section 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$	24.0	Section 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>7.3</u>	NE $\frac{1}{4}$ NW $\frac{1}{4}$	11.5
TOTAL	31.3	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.0</u>
		TOTAL	46.5

5. On November 5, 2018, Paul R. and Patricia A. Renner filed a *Notice of Change of Ownership/Water Resources Update Notice* indicating that they are the owners of a portion of the land authorized to be irrigated by appropriation A-16907B. A portion of A-16907B should now be merged into A-16907A.

ORDER

IT IS HEREBY ORDERED:

1. A portion of appropriation A-16907B is divided and merged into appropriation A-16907A.
2. Appropriation **A-16907A** authorizes the use of water to irrigate the 57.5 acres of land described below and depicted on map number 20338, which is made a part of this Order. Water diverted from Union Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.82 cfs (368 gallons per minute).

<u>Township 22 North, Range 01 East of the</u>		<u>Acres</u>
6 <sup>th</sup> P.M. in Stanton County		
Section 14:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	21.1
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.1
Section 15:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	24.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>7.3</u>
TOTAL		57.5

3. Appropriation **A-16907B** authorizes the use of water to irrigate the 20.3 acres of land described below and depicted on map number 20337, which is made a part of this Order. Water diverted from Union Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.29 cfs (130 gallons per minute).

<u>Township 22 North, Range 01 East of the</u>		<u>Acres</u>
6 <sup>th</sup> P.M. in Stanton County		
Section 14:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	8.9
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	6.4
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.0</u>
TOTAL		20.3

4. All terms and conditions of the approval of appropriation A-16907, A-16907A and A-16907B remain in effect unless specifically changed by this Order.
5. The points of diversion for A-16907A and A-16907B remain in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 14, Township 22 North, Range 01 East of the 6<sup>th</sup> P.M. in Stanton County, as depicted on maps number 20338 and 20337, respectively. Total annual volume of water diverted may not exceed three acre-feet per acre irrigated per year.

6. If the appropriators of A-16907A and A-16907B do not have access to the point 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. The Order does not authorize access to the existing point 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 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.

DEPARTMENT OF NATURAL RESOURCES

January 30, 2019

  
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 20337 and 20338 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and maps number 20337 and 20337 were mailed on January 30, 2019, to the following:

Paul R. and Patricia A. Renner  
54545 840 Road  
Battle Creek, Nebraska 68715

Lowell Schroeder  
56269 Union Creek Road  
Stanton, Nebraska 68779