

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING APPROPRIATION A-16782

AND APPROVAL OF MAPS NUMBER 20412 AND 20413

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 08, Township 12 North, Range 08 East of the 6th P.M. in Lancaster County appurtenant to surface water appropriation A-16782 is currently held by Gay N. Martin.
2. Records on file in the Department show that land located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 08, Township 12 North, Range 08 East of the 6th P.M. in Lancaster County appurtenant to surface water appropriation A-16782 is currently held by Jerry Maher.
3. Appropriation A-16782 with a priority date of April 24, 1989, authorizes the use of water for irrigation of the 54.0 acres of land described below. The water may be diverted from Rock Creek at points of diversion located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 08, Township 12 North, Range 08 East of the 6th P.M. in Lancaster 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 0.77 cfs from all points of diversion.

<u>Township 12 North, Range 08 East of the</u>		
<u>6th P.M. in Lancaster County</u>		<u>Acres</u>
Section 08:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	16.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.7
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>0.3</u>
	TOTAL	54.0

4. Appropriation A-16782 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-16782 is divided into two appropriations, A-16782A and A-16782B.

2. Appropriation A-16782A authorizes the use of water to irrigate the 17.7 acres of land described below and depicted on map number 20412, which is made a part of this Order. The water may be diverted from Rock Creek at a point of diversion located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 08, Township 12 North, Range 08 East of the 6th P.M. in Lancaster County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.25 cfs (112 gallons per minute).

Township 12 North, Range 08 East of the 6 th P.M. in Lancaster County		Acres
Section 08:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	16.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>1.7</u>
	TOTAL	17.7

3. Appropriation A-16782B authorizes the use of water to irrigate the 36.3 acres of land described below and depicted on map number 20413, which is made a part of this Order. The water may be diverted from Rock Creek at a point of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 08, Township 12 North, Range 08 East of the 6th P.M. in Lancaster County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.52 cfs (233 gallons per minute).

Township 12 North, Range 08 East of the 6 th P.M. in Lancaster County		Acres
Section 08:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>0.3</u>
	TOTAL	36.3

4. All terms and conditions of the approval of appropriation A-16782 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.

DEPARTMENT OF NATURAL RESOURCES

June 7, 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 20412 and 20413 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 20412 and 20413 were mailed on June 7, 2019, to the following:

Gay N. Martin
21717 North 134th Street
Greenwood, Nebraska 68366

Jerry Maher
2630 West Ashland Road
Valparaiso, Nebraska 68065