

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-8729

AND APPROVAL OF MAPS NUMBER 20504, AND 20505

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 33, Township 17 North, Range 06 West of the 6th P.M. in Nance County appurtenant to surface water appropriation A-8729 is owned by Gloor Brothers, LLC.
2. Records on file in the Department show that land located in the NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 04, Township 16 North, Range 06 West of the 6th P.M. in Nance County appurtenant to surface water appropriation A-8729 is owned by Craig and Jan Frenzen.
3. Appropriation A-8729 with a priority date of August 7, 1956, authorizes the use of water for irrigation of the 214 acres of land described below. The water may be diverted from the Cedar River at points of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 17 North, and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 04, Township 16 North, all in Range 06 West of the 6th P.M. in Nance 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 3.06 cfs from all points of diversion.

<u>Township 17 North, Range 06 West of the 6th P.M. in Nance County</u>	<u>Acres</u>	<u>Township 16 North, Range 06 West of the 6th P.M. in Nance County</u>	<u>Acres</u>
Section 33: NE $\frac{1}{4}$ SW $\frac{1}{4}$	2	Section 04: NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
SE $\frac{1}{4}$ SW $\frac{1}{4}$	20	NE $\frac{1}{4}$ NW $\frac{1}{4}$	38
		SW $\frac{1}{4}$ NW $\frac{1}{4}$	9
NW $\frac{1}{4}$ SE $\frac{1}{4}$	21	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20
SW $\frac{1}{4}$ SE $\frac{1}{4}$	39		
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	22
		NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>3</u>
		TOTAL	214

4. Appropriation A-8729 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-8729 is divided into two appropriations, A-8729A and A-8729B.
2. Appropriation A-8729A authorizes the use of water to irrigate the 82 acres of land described below and depicted on map number 20504, which is made a part of this Order. The water may be diverted from the Cedar River at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 17 North, Range 06 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.17 cfs (525 gallons per minute).

Township 17 North, Range 06 West of the 6 th P.M. in Nance County		Acres
Section 33:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	21
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39</u>
	TOTAL	82

3. Appropriation A-8729B authorizes the use of water to irrigate the 132 acres of land described below and depicted on map number 20505, which is made a part of this Order. The water may be diverted from the Cedar River at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 04, Township 16 North, Range 06 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.89 cfs (848 gallons per minute).

Township 16 North, Range 06 West of the 6 th P.M. in Nance County		Acres
Section 04:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	38
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	22
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>3</u>
	TOTAL	132

4. All terms and conditions of the approval of appropriation A-8729 remain in effect unless specifically changed by this Order.
5. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.

ADDITIONAL INFORMATION

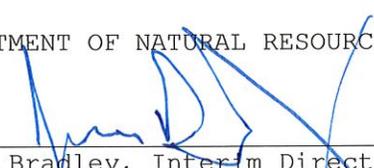
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Order may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative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

April 01, 2020



Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 20504 and 20505 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 20504 and 20505 were mailed on April 01, 2020, to the following:

Gloor Brothers, LLC
2120 Barbara Avenue
Grand Island, Nebraska 68803

Craig and Jan Frenzen
24475 North 520th Street
Fullerton, Nebraska 68638