

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-14018

AND APPROVAL OF MAPS NUMBER 20509, 20510 AND 20511

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that appropriation A-14018 is held by Eagle Creek Acres, LLC and Bar 7, Inc.
2. On February 10, 2020, Ox Hoof, LLC, filed a *Notice of Change of Ownership/Water Resources Update Notice* indicating that it is the owner of a portion of the land authorized to be irrigated by appropriation A-14018.
3. Appropriation A-14018 with a priority date of February 13, 1976, authorizes the use of water for irrigation of the 691.0 acres of land described below. The water may be diverted from Eagle Creek at points of diversion located on left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and on the right bank in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, both in Township 32 North, Range 12 West of the 6th P.M. in Holt 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 9.87 cfs from all points of diversion.

<u>Township 32 North, Range 12 West of the 6th P.M. in Holt County</u>	<u>Acres</u>	<u>Township 32 North, Range 12 West of the 6th P.M. in Holt County</u>	<u>Acres</u>
Section 22: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0	Section 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$	25.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0	NE $\frac{1}{4}$ NW $\frac{1}{4}$	26.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	19.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$	9.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	30.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28.0
Section 23: NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	Section 27: SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	31.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	18.0
Section 23: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>30.0</u>
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0	TOTAL	691.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	17.0		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	17.0		
SE $\frac{1}{4}$ SW $\frac{1}{4}$	12.0		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	31.0		

4. Appropriation A-14018 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.

IT IS HEREBY ORDERED:

1. Appropriation A-14018 is divided into three appropriations, A-14018A, A-14018B and A-14018C.
2. Appropriation A-14018A, held by Eagle Creek Acres, LLC, authorizes the use of water to irrigate the 164 acres of land described below and depicted on map number 20509, which is made a part of this Order. The water may be diverted from Eagle Creek at a point of diversion located in the NW¹/₄NW¹/₄ of Section 26, Township 32 North, Range 12 West of the 6th P.M. in Holt County. Water diverted from Eagle Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 2.34 cfs (1,050 gallons per minute).

<u>Township 32 North, Range 12 West of the 6th P.M. in Holt County</u>	<u>Acres</u>	<u>Township 32 North, Range 12 West of the 6th P.M. in Holt County</u>	<u>Acres</u>
Section 26: NW ¹ / ₄ NW ¹ / ₄	25.0	Section 27: SE ¹ / ₄ NW ¹ / ₄	4.0
NW ¹ / ₄ SW ¹ / ₄	7.0	NW ¹ / ₄ NE ¹ / ₄	6.0
SW ¹ / ₄ SW ¹ / ₄	28.0	NE ¹ / ₄ NE ¹ / ₄	31.0
		SW ¹ / ₄ NE ¹ / ₄	18.0
		SE ¹ / ₄ NE ¹ / ₄	15.0
		SE ¹ / ₄ SE ¹ / ₄	<u>30.0</u>
		TOTAL	164.0

3. Appropriation A-14018B, held by Bar 7 Inc., authorizes the use of water to irrigate the 80.2 acres of land described below and depicted on map number 20510, which is made a part of this Order. The water may be diverted from Eagle Creek at a point of diversion located in the SE¹/₄SW¹/₄ of Section 23, Township 32 North, Range 12 West of the 6th P.M. in Holt County. Water diverted from Eagle Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.15 cfs (516 gallons per minute).

<u>Township 32 North, Range 12 West of the 6th P.M. in Holt County</u>	<u>Acres</u>	<u>Township 32 North, Range 12 West of the 6th P.M. in Holt County</u>	<u>Acres</u>
Section 22: SW ¹ / ₄ NE ¹ / ₄	5.7	Section 26: NE ¹ / ₄ NW ¹ / ₄	26.0
SE ¹ / ₄ SE ¹ / ₄	3.0	NW ¹ / ₄ NE ¹ / ₄	<u>9.0</u>
Township 32 North, Range 12 West of the 6 th P.M. in Holt County	Acres	TOTAL	80.2
Section 23: NW ¹ / ₄ SW ¹ / ₄	6.0		
NE ¹ / ₄ SW ¹ / ₄	1.5		
SW ¹ / ₄ SW ¹ / ₄	17.0		
SE ¹ / ₄ SW ¹ / ₄	12.0		

4. Appropriation A-14018C, held by Ox Hoof, LLC, authorizes the use of water to irrigate the 446.8 acres of land described below and depicted on map number 20510, which is made a part of this Order. The water may be diverted from Eagle Creek at a point of diversion located in the SE¹/₄SW¹/₄ of Section 23, Township 32 North, Range 12 West of the 6th P.M. in Holt County. Water diverted from Eagle Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 6.38 cfs (2,863 gallons per minute).

Township 32 North, Range 12 West of the 6 th P.M. in Holt County		Acres	Township 32 North, Range 12 West of the 6 th P.M. in Holt County		Acres
Section 22:	NW ¹ / ₄ NE ¹ / ₄	40.0	Section 23:	NW ¹ / ₄ NE ¹ / ₄	40.0
	NE ¹ / ₄ NE ¹ / ₄	40.0		NE ¹ / ₄ NE ¹ / ₄	40.0
	SW ¹ / ₄ NE ¹ / ₄	13.3		SW ¹ / ₄ NE ¹ / ₄	40.0
	SE ¹ / ₄ NE ¹ / ₄	30.0		NE ¹ / ₄ SW ¹ / ₄	15.5
Section 23:	NW ¹ / ₄ NW ¹ / ₄	40.0		NW ¹ / ₄ SE ¹ / ₄	<u>31.0</u>
	NE ¹ / ₄ NW ¹ / ₄	40.0		TOTAL	446.8
	SW ¹ / ₄ NW ¹ / ₄	37.0			
	SE ¹ / ₄ NW ¹ / ₄	40.0			

5. All terms and conditions of the approval of appropriation A-14018 remain in effect unless specifically changed by this Order.

6. If the appropriators of A-14018A, A-14018B and A-14018C do not have access to the points 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 points of diversion.

ADDITIONAL INFORMATION

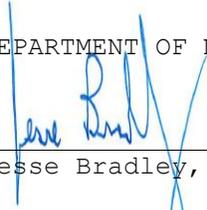
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Order may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative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

May 8, 2020



Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 20509, 20510 and 20511 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 20509, 20510 and 20511 were mailed on May 8, 2020, to the following:

Gerald J. & Helen C. Schmaderer
Eagle Creek Acres, LLC
210 South 7th Street
O'Neill, Nebraska 68763

Ox Hoof, LLC
PO Box 382
Bassett, Nebraska 68714

Brock Stoltenberg
Bar 7, Inc.
87944 US Highway 183
Bassett, Nebraska 68714