

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-10068

AND APPROVAL OF MAPS NUMBER 20545 AND 20546

WATER DIVISION 2-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that a portion of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, Township 33 North, Range 50 West of the 6<sup>th</sup> P.M. in Dawes County appurtenant to surface water appropriation A-10068 is currently owned by Cindy and Logan Newman.
2. Records on file in the Department show that a portion of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, Township 33 North, Range 50 West of the 6<sup>th</sup> P.M. in Dawes County appurtenant to surface water appropriation A-10068 is currently owned by Tyler J. Reitz.
3. Appropriation A-10068 with a priority date of May 29, 1962, authorizes the use of water for irrigation of the 28.2 acres of land described below. The water may be diverted from Trunk Butte Creek at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, Township 33 North, Range 50 West of the 6<sup>th</sup> P.M. in Dawes County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.40 cfs.

Township 33 North, Range 50 West of the 6 <sup>th</sup> P.M. in Dawes County	Acres
Section 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$	28.2

4. Appropriation A-10068 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-10068 is divided into two appropriations, A-10068A and A-10068B.

2. Appropriation A-10068A authorizes the use of water to irrigate the 19.7 acres of land described below and depicted on map number 20545, which is made a part of this Order. Water diverted from Trunk Butte Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.28 cfs (126 gallons per minute).

Township 33 North, Range 50 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$  19.7

3. Appropriation A-10068B authorizes the use of water to irrigate the 8.5 acres of land described below and depicted on map number 20546, which is made a part of this Order. Water diverted from Trunk Butte Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.12 cfs (54 gallons per minute).

Township 33 North, Range 50 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$  8.5

4. All terms and conditions of the approval of appropriation A-10068 remain in effect unless specifically changed by this Order.
5. The points of diversion for A-10068A and A-10068B remain in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, Township 33 North, Range 50 West of the 6<sup>th</sup> P.M. in Dawes County. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
6. This Order does not authorize access to the existing point of diversion. If the appropriators of A-10068A and A-10068B require 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.

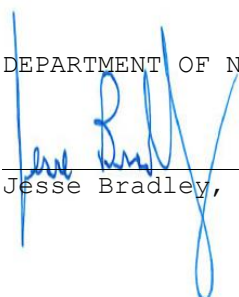
#### ADDITIONAL INFORMATION

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

  
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Jesse Bradley, Interim Director

July 17, 2020

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 20545 and 20546 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and maps number 20545 and 20546 were mailed on July 17, 2020, to the following:

Cindy and Logan Newman  
8031 Ralston Place  
Riverside, California 92508

Tyler J. Reitz  
5144 W Hwy 20  
Chadron, Nebraska 69337