

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-5517

AND APPROVAL OF MAPS NUMBER 20547, 20548 AND 20549

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 NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 33 North, Range 50 West of the 6th P.M. in Dawes County appurtenant to surface water appropriation A-5517 is currently owned by Troy A. Palser.
2. Records on file in the Department show that a portion of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24, and the NW $\frac{1}{4}$ of Section 25, all in Township 33 North, Range 50 West of the 6th P.M. in Dawes County appurtenant to surface water appropriation A-5517 is currently owned by Cindy and Logan Newman.
3. Records on file in the Department show that a portion of land located in the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 24, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, all in Township 33 North, Range 50 West of the 6th P.M. in Dawes County appurtenant to surface water appropriation A-5517 is currently owned by Tyler J. Reitz.
4. A review of Department records indicates an error was made on the Order dated June 27, 1962, which stated the location of diversion was in the **SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24**, Township 33 North, Range 50 West of the 6th P.M. in Dawes County. The correct points of diversion are in the **N $\frac{1}{2}$ of Section 25** of said legal description.
5. Appropriation A-5517 with a priority date of August 28, 1953, authorizes the use of water for irrigation of the 254.0 acres of land described below. The water may be diverted from the White River at points of diversion located on both banks of the stream in the N $\frac{1}{2}$ of Section 25, Township 33 North, Range 50 West of the 6th 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 combined rate of 3.61 cfs from all points of diversion.

<u>Township 33 North, Range 50 West of the 6th P.M. in Dawes County</u>	<u>Acres</u>	<u>Township 33 North, Range 50 West of the 6th P.M. in Dawes County</u>	<u>Acres</u>
Section 24: NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.2	Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.5
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.5		
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40.0</u>
NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.0	TOTAL	254.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.5		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.7		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.0		

6. Appropriation A-5517 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-5517 is divided into three appropriations, A-5517A, A-5517B and A-5517C.
2. Appropriation A-5517A authorizes the use of water to irrigate the 10.9 acres of land described below and depicted on map number 20547, which is made a part of this Order. The water may be diverted from the White River at a point of diversion located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 33 North, Range 50 West of the 6th P.M. in Dawes County. Water diverted from the White River shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.15 cfs (67 gallons per minute).

Township 33 North, Range 50 West of the 6 th P.M. in Dawes County	Acres
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Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.9
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3. Appropriation A-5517B authorizes the use of water to irrigate the 145.3 acres of land described below and depicted on map number 20548, which is made a part of this Order. The water may be diverted from the White River at points of diversion located on the left bank of the stream in the N $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25, Township 33 North, Range 50 West of the 6th P.M. in Dawes County. Water diverted from the White River shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 2.07 cfs (929 gallons per minute) from all points of diversion.

Township 33 North, Range 50 West of the 6 th P.M. in Dawes County	Acres
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Section 24: NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.2
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	24.7

NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.3
SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.1

Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$	19.6
NE $\frac{1}{4}$ NW $\frac{1}{4}$	15.3

TOTAL	145.3
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4. Appropriation A-5517C authorizes the use of water to irrigate the 97.8 acres of land described below and depicted on map number 20549, which is made a part of this Order. The water may be diverted from the White River at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 33 North, Range 50 West of the 6th P.M. in Dawes County. Water diverted from the White River shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.39 cfs (624 gallons per minute) from all points of diversion.

Township 33 North, Range 50 West of the 6 th P.M. in Dawes County		Acres
Section 24:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.4
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.9
Section 25:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	17.7
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40.0</u>
	TOTAL	97.8

5. All terms and conditions of the approval of appropriation A-5517 remain in effect unless specifically changed by this Order.

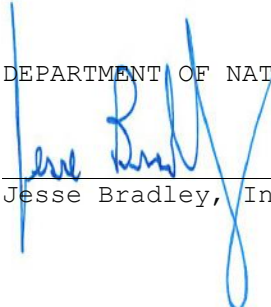
ADDITIONAL INFORMATION

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 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



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 20547, 20548 and 20549 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and maps number 20547, 20548 and 20549 were mailed on July 17, 2020, to the following:

Troy A. Palser
532 Airport Road
Chadron, Nebraska 69337

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

Cindy and Logan Newman
8031 Ralston Place
Riverside, California 92508