

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-1985

AND APPROVAL OF MAP NUMBER 20660

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 09 North, Range 19 West of the 6th P.M. in Dawson County appurtenant to surface water appropriation A-1985 is currently owned by the Mark W. and Amy L Meier Revocable Trust.
2. Records on file in the Department show that land located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 09 North, Range 19 West of the 6th P.M. in Dawson County appurtenant to surface water appropriation A-1985 is currently owned by Preston W. and Lindsay L. Meier.
3. Appropriation A-1985 with a priority date of February 20, 1928, authorizes the use of water for irrigation of the 12.2 acres of land described below. The water may be diverted from Buffalo Creek at points of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35 and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Of Section 36, both in Township 09 North, Range 19 West of the 6th P.M. in Dawson 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 0.17 cfs from both points of diversion.

<u>Township 09 North, Range 19 West of the 6th P.M. in Dawson County</u>	<u>Acres</u>
Section 35: SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.5
Section 36: NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>7.7</u>
TOTAL	12.2

4. On February 16, 2021, Preston W. Meier, on behalf of Lindsay L. Meier and himself, filed a *Notice of Change of Ownership/Water Resources Update Notice* indicating that they are the owners of a portion of the land authorized to be irrigated by appropriation A-1985.
5. Appropriation A-1985 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-1985 is divided into two appropriations, A-1985A and A-1985B.
2. Appropriation A-1985A authorizes the use of water to irrigate the 4.5 acres of land described below and depicted on map number 20660, which is made a part of this Order. Water diverted from Buffalo Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.06 cfs (27 gallons per minute).

Township 09 North, Range 19 West of the
6th P.M. in Dawson County Acres

Section 35: SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.5

3. Appropriation A-1985B authorizes the use of water to irrigate the 7.7 acres of land described below and depicted on map number 20660, which is made a part of this Order. Water diverted from Buffalo Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.11 cfs (49 gallons per minute).

Township 09 North, Range 19 West of the
6th P.M. in Dawson County Acres

Section 36: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.7

4. All terms and conditions of the approval of appropriation A-1985 remain in effect unless specifically changed by this Order.
5. The points of diversion for A-1985A and A-1985B remain in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35 and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Of Section 36, both in Township 09 North, Range 19 West of the 6th P.M. in Dawson County, as depicted on map number 20660. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
6. If the appropriators of A-1985A and A-1985B 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. This 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



March 26, 2021

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20660 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 20660 were mailed on March 26, 2021, to the following:

Mark W. & Amy L. Meier
44966 Road 755
Elm Creek, Nebraska 68836

Preston W. and Lindsay L. Meier
4931 Road 755
Elm Creek, Nebraska 68836