

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND DIVIDING APPROPRIATION A-3870

AND APPROVAL OF MAPS NUMBER 20644 AND 20645

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3870 is currently held by Gavilon Grain LLC, Scott A. and Julie M. Trampe and Jeremy and Deborah Sheldon.
2. Appropriation A-3870 with a priority date of February 3, 1920, authorizes the use of water for irrigation of the 74.2 acres of land described below. The water may be diverted from Jacobson Reservoir (storage appropriation A-1576) at a point of diversion located on the east bank of the reservoir in Lot 06 of Section 31, Township 10 North, Range 16 West of the 6<sup>th</sup> P.M. in Buffalo County, for irrigation of the following described lands:

<u>Township 10 North, Range 16 West of the 6<sup>th</sup> P.M. in Buffalo County</u>	<u>Acres</u>
Section 30: Lot 19	19.8
Lot 20	29.3
Section 31: Lot 05	12.7
Lot 06	9.0
Lot 08	<u>3.4</u>
TOTAL	74.2

3. On January 15, 2021, Barry Brandstetter, on behalf of Gavilon Grain, LLC, filed relinquishment REL-9290, relinquishing the right to divert water under a portion of appropriation A-3870 to irrigate the 18.4 acres of land described below.

<u>Township 10 North, Range 16 West of the 6<sup>th</sup> P.M. in Buffalo County</u>	<u>Acres</u>
Section: Lot 05	12.7
Lot 06	2.3
Lot 08	<u>3.4</u>
TOTAL	18.4

4. Appropriation A-3870 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. Part of appropriation A-3870 for use upon the 18.4 acres of land described above is CANCELLED.
2. Appropriation A-3870 is divided into two appropriations, A-3870A and A-3870B.
3. Appropriation A-3870A authorizes the use of water from Jacobson Reservoir (storage appropriation A-1576) to irrigate the 55.0 acres of land described below and depicted on map number 20644, which is made a part of this Order.

<u>Township 10 North, Range 16 West of the 6<sup>th</sup> P.M. in Buffalo County</u>	<u>Acres</u>
Section 30: Lot 19	19.8
Lot 20	29.3
Section 31: Lot 06	<u>5.9</u>
TOTAL	55.0

4. Appropriation A-3870B authorizes the use of water from Jacobson Reservoir to irrigate the 0.8 acres of land described below and depicted on map number 20645, which is made a part of this Order.

<u>Township 10 North, Range 16 West of the 6<sup>th</sup> P.M. in Buffalo County</u>	<u>Acres</u>
Section 31: Lot 06	0.8

5. All terms and conditions of the approval of appropriation A-3870 remain in effect unless specifically changed by this Order.
6. The point of diversion for A-3870A and A-3870B remain in Lot 06 of Section 31, Township 10 North, Range 16 West of the 6<sup>th</sup> P.M. in Buffalo County. Total water diverted per annum shall not exceed the least amount of water that is necessary, in the exercise of good husbandry, for the production of crops.

7. If the appropriators of A-3870A and A-3870B do not have 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. This Order does not authorize access to the existing point 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.

DEPARTMENT OF NATURAL RESOURCES



March 23, 2021

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 20644 and 20645 were provided to the Department's field office in Bridgeport and North Platte, Nebraska. Copies of this Order and maps number 20644 and 20645 were mailed on March 23, 2021, to the following:

Barry Brandstetter  
Gavilon Grain, LLC  
1331 Capitol Avenue  
Omaha, Nebraska 68102

Jeremy E. and Deborah L. Sheldon  
20040 Highway 40  
Riverdale, Nebraska 68870

Scott and Julie Trampe  
13300 Evergreen Road  
Riverdale, Nebraska 68870