

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-4360

AND APPROVAL OF MAPS NUMBER 20625 AND 20626

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35, Township 17 North, Range 16 West of the 6th P.M. in Valley County appurtenant to surface water appropriation A-4360 is owned by LLL, LLC.
2. Records on file in the Department show that land located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35 of said legal description appurtenant to surface water appropriation A-4360 is owned by the James A. Trotter Living Revocable Trust.
3. Appropriation A-4360 with a priority date of November 8, 1948, authorizes the use of water for irrigation of the 116.9 acres of land described below. The water may be diverted from the headgate of the Middle Loup Public Power and Irrigation District via Canal No. 3 located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 01, Township 17 North, Range 17 West of the 6th P.M. in Valley County and withdrawn from at a point of diversion located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 17 North, Range 16 West of the 6th P.M. in Valley County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 120 acres irrigated at a maximum rate of 0.98 cfs.

<u>Township 17 North, Range 16 West of the 6th P.M. in Valley County</u>	<u>Acres</u>
Section 35: NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.6
NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.8
SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.1
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>35.4</u>
TOTAL	116.9

4. Appropriation A-4360 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-4360 is divided into two appropriations, A-4360A and A-4360B.
2. Appropriation A-4360A authorizes the use of water to irrigate the 47.4 acres of land described below and depicted on map number 20625, which is made a part of this Order. Water diverted, as described in Item 3 of the Background, shall not exceed the ratio of one cfs for every 120 acres irrigated at a maximum rate of 0.40 cfs (180 gallons per minute).

<u>Township 17 North, Range 16 West of the</u>		
<u>6th P.M. in Valley County</u>		<u>Acres</u>
Section 35:	NW ¹ / ₄ SW ¹ / ₄	38.6
	NE ¹ / ₄ SW ¹ / ₄	<u>8.8</u>
	TOTAL	47.4

3. Appropriation A-4360B authorizes the use of water to irrigate the 69.5 acres of land described below and depicted on map number 20626, which is made a part of this Order. Water diverted, as described in Item 3 of the Background, shall not exceed the ratio of one cfs for every 120 acres irrigated at a maximum rate of 0.58 cfs (260 gallons per minute).

<u>Township 17 North, Range 16 West of the</u>		
<u>6th P.M. in Valley County</u>		<u>Acres</u>
Section 35:	SW ¹ / ₄ SW ¹ / ₄	34.1
	SE ¹ / ₄ SW ¹ / ₄	<u>35.4</u>
	TOTAL	69.5

4. All terms and conditions of the approval of appropriation A-4360 remain in effect unless specifically changed by this Order.
5. The point of diversion for A-4360A and A-4360B remains as described in Item 3 of the Background and as depicted on maps number 20625 and 20626. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
6. If the appropriators of A-4360A and A-4360B 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



Thomas E. Riley, P.E., Director

March 24, 2021

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 20625 and 20626 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 20625 and 20626 were mailed on March 24, 2021, to the following:

Ronald Lewandowski
LLL, LLC
79645 465th Road
Arcadia, Nebraska 68815

James A. Trotter
James A. Trotter Living Revocable Trust
PO Box 158
Arcadia, Nebraska 68815