

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF ASSIGNMENT OF RIGHTS AOR-9379

DIVIDING APPROPRIATION A-11408R AND MAPS NUMBER 20765 AND 20785

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11408R is currently held by Wagon-R Farms Inc.
2. Appropriation A-11408R has a priority date of May 2, 1968, and authorizes the use of water for irrigation of the 69.0 acres of land described below. The water may be diverted from Dane Creek at points of diversion located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 01, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 02, both in Township 18 North, Range 15 West of the 6<sup>th</sup> P.M. in Valley County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.99 cfs from all points of diversion.

Township 18 North, Range 15 West of the 6 <sup>th</sup> P.M. in Valley County		Acres
Section 01:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	17.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0
Section 02:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	16.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>13.0</u>
	TOTAL	69.0

3. On May 4, 2021, Lawrence Wagner, Vice President, on behalf of Wagon-R Farms and Bernard Glos, Office Administrator, Twin Loups Reclamation District, filed a notice of assignment of rights AOR-9379 for a portion of surface water appropriation A-11408R when there is a change in the appropriator of record and no change in the ownership of land appurtenant to the appropriation.
4. Because A-11408R will be held by two appropriators, the Department has determined that it is in the best interest of the appropriators and the State to divide the water appropriation so that each appropriator's rights are distinguishable.

ORDER

IT IS HEREBY ORDERED:

5. Appropriation A-11408R is divided into two appropriations, A-11408AR and A-11408BR.
6. Appropriation A-11408AR authorizes the use of water to irrigate the 41.0 acres of land described below and depicted on map number 20765, which is made a part of this Order. Water diverted from Dane Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.59 cfs (265 gallons per minute).

Township 18 North, Range 15 West of the 6 <sup>th</sup> P.M. in Valley County		Acres
Section 01:	SE $\frac{1}{4}$ NE $\frac{1}{4}$	14.4
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.1
Section 2:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	16.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.2</u>
	TOTAL	41.0

7. Appropriation A-11408BR authorizes the use of water to irrigate the 28.0 acres of land described below and depicted on map number 20785, which is made a part of this Order. Water diverted from Dane Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.40 cfs (180 gallons per minute).

Township 18 North, Range 15 West of the 6 <sup>th</sup> P.M. in Valley County		Acres
Section 01:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	16.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.2
Section 02:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>1.6</u>
	TOTAL	28.0

8. All terms and conditions of previous orders for appropriation A-11408 remain in effect unless specifically changed by this Order.
9. The points of diversion for A-11408AR and A-11408BR remain in the in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 01, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 02, both in Township 18 North, Range 15 West of the 6<sup>th</sup> P.M. in Valley County, as depicted on maps number 20765 and 20785. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
10. If the appropriators of A-11408AR and A-11408BR 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



October 14, 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 20765 and 20785 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 20765 and 20785 were mailed on October 14, 2021, to the following:

Wagon-R Farms  
47289 809 Road  
Ord, Nebraska 68862

Twin Loups Reclamation District  
P.O. Box 98  
Scotia, Nebraska 68875