

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-17891B

AND APPROVAL OF MAPS NUMBER 20870 AND 20871

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  and the E $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 27, Township 04 North, Range 08 West of the 6<sup>th</sup> P.M. in Nuckolls County appurtenant to surface water appropriation A-17891B is currently owned by Pioneer Pork LLC.
2. Records on file in the Department show that a portion of the land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 27, Township 04 North, Range 08 West of the 6<sup>th</sup> P.M. in Nuckolls County appurtenant to surface water appropriation A-17891B is owned by David Mazour.
3. A scrivener's error was made on the Order dated March 28, 2001, approving map number 15874 which listed 21 acres incorrectly in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; the 21 acres are located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ .
4. Appropriation A-17891B with a priority date of July 18, 2000, authorizes the use of water for irrigation of the 49 acres of land described below. The water may be diverted from Liberty Creek at points of diversion located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 27, Township 04 North, Range 08 West of the 6<sup>th</sup> P.M. in Nuckolls 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 0.70 cfs from all points of diversion.

Township 04 North, Range 08 West of the 6 <sup>th</sup> P.M. in Nuckolls County		Acres
Section 27:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	11
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>21</u>
	TOTAL	49

5. On November 8, 2021, David Mazour filed a Notice of Change of Ownership Water Resources Update Notice indicating that he is the owner of a portion of the land authorized to be irrigated by appropriation A-17891B.

6. Appropriation A-17891B 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-17891B is divided into two appropriations, A-17891C and A-17891D.
2. Appropriation A-17891C, held by Pioneer Pork LLC, authorizes the use of water to irrigate the 42 acres of land described below and depicted on map number 20870, which is made a part of this Order. Water diverted from Liberty Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate rate of 0.60 cfs (269 gallons per minute) from all points of diversion.

<u>Township 04 North, Range 08 West of the 6<sup>th</sup> P.M. in Nuckolls County</u>	<u>Acres</u>
Section 27: SE $\frac{1}{4}$ NW $\frac{1}{4}$	5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	5
NE $\frac{1}{4}$ SW $\frac{1}{4}$	11
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>21</u>
TOTAL	42

3. Appropriation A-17891D, held by David Mazour, authorizes the use of water to irrigate the 7 acres of land described below and depicted on map number 20871, which is made a part of this Order. Water diverted from Liberty Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate rate of 0.10 cfs (45 gallons per minute) from all points of diversion.

<u>Township 04 North, Range 08 West of the 6<sup>th</sup> P.M. in Nuckolls County</u>	<u>Acres</u>
Section 27: NE $\frac{1}{4}$ NW $\frac{1}{4}$	7

4. All terms and conditions of the approval of appropriation A-17891B remain in effect unless specifically changed by this Order.
5. The points of diversion for A-17891C and A-17891D remain in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 27, Township 04 North, Range 08 West of the 6<sup>th</sup> P.M. in Nuckolls County, as depicted on maps number 20870 and 20871. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.

6. If the appropriators of A-17891C and A-17891D 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



January 14, 2022

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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 20870 and 20871 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 20870 and 20871 were mailed on January 14, 2022, to the following:

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Grand Island, Nebraska 68801

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