

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-13653

AND APPROVAL OF MAPS NUMBER 20959 AND 20960

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that that surface water appropriation A-13653 is currently held by Tyson Hegeholz and David L. and Karrie K. Hegeholz.
2. Appropriation A-13653 with a priority date of July 16, 1975, authorizes the use of water for irrigation of the 65.8 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and on the left bank in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, Township 12 North, Range 02 East of the 6<sup>th</sup> P.M. in Seward 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 0.94 cfs from all points of diversion.

<u>Township 12 North, Range 02 East of the 6<sup>th</sup> P.M. in Seward County</u>	<u>Acres</u>
Section 26: NE $\frac{1}{4}$ SW $\frac{1}{4}$	27.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>38.0</u>
TOTAL	65.8

3. Appropriation A-13653 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-13653 is divided into two appropriations, A-13653A and A-13653B.

2. Appropriation A-13653A authorizes the use of water to irrigate the 32.4 acres of land described below and depicted on map number 20959, which is made a part of this Order. The water may be diverted from the Big Blue River at points of diversion located on both banks of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 12 North, Range 02 East of the 6<sup>th</sup> P.M. in Seward County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.46 cfs (206 gallons per minute).

<u>Township 12 North, Range 02 East of the 6<sup>th</sup> P.M. in Seward County</u>	<u>Acres</u>
Section 26: NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>18.4</u>
TOTAL	32.4

3. Appropriation A-13653B authorizes the use of water to irrigate the 33.4 acres of land described below and depicted on map number 20960, which is made a part of this Order. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and on the left bank in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, Township 12 North, Range 02 East of the 6<sup>th</sup> P.M. in Seward County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.48 cfs (215 gallons per minute).

<u>Township 12 North, Range 02 East of the 6<sup>th</sup> P.M. in Seward County</u>	<u>Acres</u>
Section 26: NE $\frac{1}{4}$ SW $\frac{1}{4}$	13.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>19.6</u>
TOTAL	33.4

4. All terms and conditions of the approval of appropriation A-13653 remain in effect unless specifically changed by this Order.
5. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.

#### 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



May 3, 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 20959 and 20960 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 20959 and 20960 were mailed to the following:

Tyson Hegeholz  
3810 Davey Road  
Staplehurst, Nebraska 68439

David L. and Karrie K. Hegeholz  
2431 Nancy Drive  
Lincoln, Nebraska 68507