

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING APPROPRIATION A-19626 AND
APPROVAL OF ASSIGNMENT OF RIGHTS AOR-9669
AND MAPS NUMBER 21013 AND 21014

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19626 is currently held by Andy & Glen Bredthauer et al.
2. Appropriation A-19626, with a priority date of January 28, 2019, authorizes the use of water for irrigation of 152.4 acres of land. The water may be diverted from the North Branch of Mira Creek at points of diversion located on both banks of the stream in the NW¹/₄SE¹/₄ of Section 24, Township 18 North, Range 14 West and the W¹/₂NE¹/₄ of Section 19, Township 18 North, Range 13 West of the 6th P.M. all in Valley 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 2.18 cfs from all points of diversion.

3.	<u>Township 18 North, Range 14 West of the 6th P.M. in Valley County</u>	Acres
	Section 24:	
	NE ¹ / ₄ NE ¹ / ₄	3.5
	SW ¹ / ₄ NE ¹ / ₄	11.4
	SE ¹ / ₄ NE ¹ / ₄	8.2
	NW ¹ / ₄ SE ¹ / ₄	19.2
	NE ¹ / ₄ SE ¹ / ₄	32.4
	SW ¹ / ₄ SE ¹ / ₄	15.5
	SE ¹ / ₄ SE ¹ / ₄	20.7
	<u>Township 18 North, Range 13 West of the 6th P.M. in Valley County</u>	
	Section 19:	
	NW ¹ / ₄ NW ¹ / ₄	16.1
	NE ¹ / ₄ NW ¹ / ₄	2.0
	SE ¹ / ₄ NW ¹ / ₄	2.4
	NW ¹ / ₄ NE ¹ / ₄	3.0
	SW ¹ / ₄ NE ¹ / ₄	<u>18.0</u>
	TOTAL	152.4

4. On May 18, 2022, Bernie Glos, on behalf of Twin Loups Reclamation District, and Andy Bredthauer filed a notice of assignment of rights AOR-9669 for a portion of surface water appropriation A-19626 when there is a change in the appropriator of record and no change in the ownership of land appurtenant to the appropriation.
5. Because A-19626 is 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:

1. Appropriation A-19626 is divided into two appropriations, A-19626A and A-19626B.
2. Appropriation A-19626A authorizes the appropriators Andy & Glen Bredthauer et al, the use of water to irrigate the 52.4 acres of land described below and depicted on map number 21013, which is made a part of this Order. Water diverted from the North Branch of Mira Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.75 cfs (337 gallons per minute).

Township 18 North, Range 14 West of the 6 th P.M. in Valley County	Acres
Section 24: NE ¹ / ₄ NE ¹ / ₄	3.5
SW ¹ / ₄ NE ¹ / ₄	3.7
NW ¹ / ₄ SE ¹ / ₄	3.7
Township 18 North, Range 13 West of the 6 th P.M. in Valley County	Acres
Section 19: NW ¹ / ₄ NW ¹ / ₄	16.1
NE ¹ / ₄ NW ¹ / ₄	2.0
SE ¹ / ₄ NW ¹ / ₄	2.4
NW ¹ / ₄ NE ¹ / ₄	3.0
SW ¹ / ₄ NE ¹ / ₄	<u>18.0</u>
TOTAL	52.4

3. Appropriation A-19626B authorizes appropriator Twin Loup Reclamation District the use of water to irrigate the 100.0 acres of land described below and depicted on map number 21014, which is made a part of this Order. Water diverted from the North Branch of Mira Creek shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.43 cfs (642 gallons per minute).

Township 18 North, Range 14 West of the 6 th P.M. in Valley County	Acres
Section 24: SW ¹ / ₄ NE ¹ / ₄	7.7
SE ¹ / ₄ NE ¹ / ₄	8.2
NW ¹ / ₄ SE ¹ / ₄	15.5
NE ¹ / ₄ SE ¹ / ₄	32.4
SW ¹ / ₄ SE ¹ / ₄	15.5
SE ¹ / ₄ SE ¹ / ₄	20.7
TOTAL	100.0

4. All terms and conditions of previous orders for appropriation A-19626 remain in effect unless specifically changed by this Order.
5. The points of diversion for A-19626A and A-19626B remain on both banks of the stream in the NW¹/₄SE¹/₄ of Section 24, Township 18 North, Range 14 West and the W¹/₂NE¹/₄ of Section 19, Township 18 North, Range 13 West of the 6th P.M. all in Valley County, as depicted on maps number 21013 and 21014. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
6. If the appropriators of A-19626A and A-19626B 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 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.

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



July 21, 2022

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 21013 and 21014 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 21013 and 21014 were mailed to the following:

Andy Bredthauer
105 N 18th St
Ord, Nebraska 68862

Twin Loups Reclamation District
P.O. Box 137
Farwell, Nebraska 68838