

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP

CANCELLATION IN PART OF WATER APPROPRIATION A-11513

WATER DIVISION 1-F

BACKGROUND

- Records on file in the Department of Natural Resources (Department) show that portions of surface water appropriation A-11513 are held by CJG Farms Limited Partnership, Gauchat Farms Legacy Trust, Robert L. and Joyce M. Nowak, and James L. and Janay M. Oestmann.
- Appropriation A-11513 has a priority date of July 25, 1968, and authorizes the use of water for irrigation of the 240.0 acres of land described below. The water may be diverted from the Little Nemaha River at points of diversion located on the right bank of the stream in the SE¹/₄SE¹/₄ of Section 08, and on both banks of the stream in the SW¹/₄NW¹/₄ of Section 23, both in Township 06 North, Range 13 East of the 6th P.M. in Nemaha County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 3.43 cfs from all points of diversion.

<u>Township 06 North, Range 13 East of the</u>		
<u>6th P.M. in Nemaha County</u>		<u>Acres</u>
Section 08:	NE ¹ / ₄ SW ¹ / ₄	25.0
	NW ¹ / ₄ SE ¹ / ₄	17.0
	SW ¹ / ₄ SE ¹ / ₄	39.0
	SE ¹ / ₄ SE ¹ / ₄	30.0
Section 23:	NW ¹ / ₄ NW ¹ / ₄	27.0
	NE ¹ / ₄ NW ¹ / ₄	37.0
	SW ¹ / ₄ NW ¹ / ₄	35.0
	SE ¹ / ₄ NW ¹ / ₄	<u>30.0</u>
	Total	240.0

- On September 26, 2022, Charles D. Grotrian, on behalf of CJG Farms Limited Partnership, filed a Relinquishment of Water Appropriation, REL-9730, in the office of the Department relinquishing the right to divert water under appropriation A-11513 for use upon the land described below, conditional on approval of surface water application A-19878.

<u>Township 06 North, Range 13 East of the</u>		
<u>6th P.M. in Nemaha County</u>		<u>Acres</u>
Section 08:	SE ¹ / ₄ SE ¹ / ₄	5.0

4. Appropriation A-11513 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 appropriation A-11513 among the owners so that each owner's rights are distinguishable.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-11513 at the rate of 0.07 cfs for use upon the 5.0 acres of land described above is CANCELLED.
2. The remainder of Appropriation A-11513 is divided into three appropriations A-11513A, A-11513B and A-11513C.
3. Appropriation A-11513A authorizes the use of water to irrigate the 14.2 acres of land described below and depicted on map number 21109, which is made a part of this Order. Water diverted from the Little Nemaha River shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.20 cfs (90 gallons per minute).

<u>Township 06 North, Range 13 East of the 6th P.M. in Nemaha County</u>	<u>Acres</u>
Section 08: NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.1
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.1
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>13.0</u>
Total	14.2

4. Appropriation A-11513B authorizes the use of water to irrigate the 91.8 acres of land described below and depicted on map number 21110, which is made a part of this Order. Water diverted from the Little Nemaha River shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.31 cfs (588 gallons per minute).

<u>Township 06 North, Range 13 East of the 6th P.M. in Nemaha County</u>	<u>Acres</u>
Section 08: NE $\frac{1}{4}$ SW $\frac{1}{4}$	25.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.9
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.9
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>12.0</u>
Total	91.8

5. Appropriation A-11513C authorizes the use of water to irrigate the 129.0 acres of land described below and depicted on map number 21112, which is made a part of this Order. Water diverted from the Little Nemaha River shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.85 cfs (830 gallons per minute).

Township 06 North, Range 13 East of the		
<u>6th P.M. in Nemaha County</u>		<u>Acres</u>
Section 23:	NW ¹ / ₄ NW ¹ / ₄	27.0
	NE ¹ / ₄ NW ¹ / ₄	37.0
	SW ¹ / ₄ NW ¹ / ₄	35.0
	SE ¹ / ₄ NW ¹ / ₄	<u>30.0</u>
	Total	129.0

6. All terms and conditions of the approval of appropriation A-11513 remain in effect unless specifically changed by this Order.
7. The points of diversion for A-11513A, A-11513B and A-11513C remain in the SE¹/₄SE¹/₄ of Section 08, and the SW¹/₄NW¹/₄ of Section 23, both in Township 06 North, Range 13 East of the 6th P.M., as depicted on maps number 21109, 21110 and 21111. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
8. If the appropriators of A-11513A, A-11513B and A-11513C 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

December 13, 2022

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed to the following:

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CJG Farms Limited Partnership
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Stephanie Michelle Kathol Trustee
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Norfolk Nebraska 68701

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