

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP,

CANCELLATION IN PART OF WATER APPROPRIATION A-8032 WATER

DIVISION 1-F

BACKGROUND

- Records on file in the Department of Natural Resources (Department) show that portions of surface water appropriation A-8032 are held by CJG Farms Limited Partnership, Boyd D. and Marlene Wakelin, Paleo Valley Farms LLC, and Robert Scott and Shelly Teten.
- Appropriation A-8032 has a priority date of August 26, 1955, and authorizes the use of water for irrigation of the 120.22 acres of land described below. The water may be diverted from the Little Nemaha River at a point of diversion located in the NW¹/₄NW¹/₄ of Section 16, 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 140 acres irrigated at a maximum rate of 0.86 cfs.

<u>Township 06 North, Range 13 East of the</u>		<u>6th P.M. in Nemaha County</u>	<u>Acres</u>
Section 09:	SW ¹ / ₄ SW ¹ / ₄ (Lot 3)		3.00
Section 16:	NW ¹ / ₄ NW ¹ / ₄		19.70
	NE ¹ / ₄ NW ¹ / ₄		2.00
	SW ¹ / ₄ NW ¹ / ₄		39.00
	SE ¹ / ₄ NW ¹ / ₄		34.10
	SW ¹ / ₄ NE ¹ / ₄ (Lot 1)		19.92
	NW ¹ / ₄ SE ¹ / ₄		<u>2.50</u>
	Total		120.22

- On September 26, 2022, Charles D. Grotrian, on behalf of CJG Farms Limited Partnership, filed a Relinquishment of Water Appropriation, REL-9722, in the office of the Department relinquishing the right to divert water under appropriation A-8032 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 09:	SW ¹ / ₄ SW ¹ / ₄ (Lot 3)		3.00
Section 16:	NW ¹ / ₄ NW ¹ / ₄		19.30
	SW ¹ / ₄ NW ¹ / ₄		39.00
	SE ¹ / ₄ NW ¹ / ₄		<u>29.90</u>
	Total		91.20

4. Appropriation A-8032 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-8032 among the owners so that each owner's rights are distinguishable.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-8032 at the rate of 0.65 cfs for use upon the 91.20 acres of land described above is CANCELLED.
2. The remainder of Appropriation A-8032 is divided into three appropriations, A-8032A, A-8032B and A-8032C.
3. Appropriation A-8032A authorizes the use of water to irrigate the 6.60 acres of land described below and depicted on map number 21116, 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 140 acres irrigated at a maximum rate of 0.05 cfs (22 gallons per minute).

<u>Township 06 North, Range 13 East of the 6th P.M. in Nemaha County</u>	<u>Acres</u>
Section 16: NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.40
NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>4.20</u>
Total	6.60

4. Appropriation A-8032B authorizes the use of water to irrigate the 19.40 acres of land described below and depicted on map number 21117, 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 140 acres irrigated at a maximum rate of 0.14 cfs (63 gallons per minute).

<u>Township 06 North, Range 13 East of the 6th P.M. in Nemaha County</u>	<u>Acres</u>
Section 16: SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.90
NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>2.50</u>
Total	19.40

5. Appropriation A-8032C authorizes the use of water to irrigate the 3.02 acres of land described below and depicted on map number 21118, 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 140 acres irrigated at a maximum rate of 0.02 cfs (9 gallons per minute).

<u>Township 06 North, Range 13 East of the 6th P.M. in Nemaha County</u>	<u>Acres</u>
Section 16: SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.02

6. All terms and conditions of the approval of appropriation A-8032 remain in effect unless specifically changed by this Order.
7. The point of diversion for A-8032A, A-8032B and A-8032C remains in the NW¹/₄NW¹/₄ of Section 16, Township 06 North, Range 13 East of the 6th P.M. in Nemaha County, as depicted on maps number 21116, 21117 and 21118. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated per year.
8. If the appropriators of A-8032A, A-8032B and A-8032C do not have access to the point 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



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
2675 Whitaker Road
Nebraska City, Nebraska 68410

Boyd & Marlene Wakelin
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Auburn, Nebraska 68305

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