

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP AND

APPROVAL OF APPLICATION NEX-9656 FOR WATER APPROPRIATION A-7886

AND MAPS NUMBER 21206 AND 21207

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-7886 is held by Pamela Hitchcock.
2. Appropriation A-7886 has a priority date of August 10, 1955, and authorizes the use of water for irrigation of the 172.7 acres of land described below. The water may be diverted from the Keya Paha River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 07) of Section 08 and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 09, both in Township 34 North, Range 17 West of the 6th P.M. in Keya Paha County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 115 acres irrigated at a maximum combined rate of 1.5 cfs from all points of diversion.

<u>Township 34 North, Range 17 West of the</u>		
<u>6th P.M. in Keya Paha County</u>		<u>Acres</u>
Section 08:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	13.4
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 07)	14.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.8
Section 09:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	24.4
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>36.5</u>
	TOTAL	172.7

3. Appropriation A-12358 provides additional water to land approved for irrigation under appropriation A-7886.
4. On April 18, 2022, Vernon Hitchcock, on behalf of himself and Pamela Hitchcock and Cort Dewing, on behalf of Nebraska Educational Land and Funds, filed application NEX-9656 for a permit for a non-expedited transfer of the location of use for land authorized to be irrigated by appropriation A-7886.
5. On March 31, 2023, Kelly Sudbeck, on behalf of Nebraska Educational Lands and Funds, granted Vernon Hitchcock, Pamela Hitchcock and Heath R. Hitchcock three reciprocal easements for access to an underground water

line; for location of, installation, repair, replacement and maintenance of an irrigation pump; and for access to an irrigation pump.

6. Appropriation A-7886 was originally granted to a single landowner. Upon approval of NEX-9656 land appurtenant to A-7886 will be owned in part by Pamela Hitchcock and in part by Nebraska Educational Lands and Funds. 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 between the owners so that each owner's rights are distinguishable.
7. On June 30, 2023, Pamela Hitchcock filed map number 21206 showing the land proposed to be irrigated under appropriation A-7886 through transfer NEX-9656.
8. On July 14, 2023, Kelly Sudbeck filed map number 21207 showing land proposed to be irrigated under appropriation A-7886 through transfer NEX-9656.

ORDER

IT IS HEREBY ORDERED:

1. Appropriation A-7886 is divided into two appropriations, A-7886A and A-7886B.
2. Application NEX-9656 for a permit for an expedited transfer of the location of use and maps number 21206 and 21207 are APPROVED.
3. Appropriation A-7886A through transfer NEX-9656 authorizes the use of water to irrigate 134.6 acres of land described below and depicted on map number 21206, which is made a part of this Order. The water may be diverted from the Keya Paha River at points of diversion located on the left bank of the stream in Lot 07 of Section 08 and Lot 03 of Section 16, both in Township 34 North, Range 17 West of the 6th P.M. in Keya Paha County, as depicted on map number 21206. Water diverted shall not exceed the ratio of one cfs for every 115 acres irrigated at a maximum combined rate of 1.17 cfs from all points of diversion (525 gallons per minute). The total combined volume of all appropriations may not exceed three acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 34 North, Range 17 West of the
6th P.M. in Keya Paha County Acres

Section 08:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	14.2
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.7
	Lot 07	12.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	12.2

Section 09:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	28.7
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.9
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>18.7</u>

TOTAL	134.6
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4. Appropriation A-7886B through transfer NEX-9656 authorizes the use of water to irrigate 38.1 acres of land described below and depicted on map number 21207, which is made a part of this Order. The water may be diverted from the Keya Paha River at a point of diversion located on the left bank of the stream in Lot 03 of Section 16, Township 34 North, Range 17 West of the 6th P.M. in Keya Paha County, as depicted on map number 21207. Water diverted shall not exceed the ratio of one cfs for every 115 acres irrigated at a maximum combined rate of 0.33 cfs from all points of diversion (148 gallons per minute). The total combined volume of all appropriations may not exceed three acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 34 North, Range 17 West of the
6th P.M. in Keya Paha County Acres

Section 16: Lot 03 38.1

5. Appropriation A-12358 through transfer NEX-9655 provides additional water to land approved for irrigation under appropriations A-7886A and A-7688B through transfer NEX-9656.
6. All terms and conditions of appropriation A-7886 remain in effect unless specifically changed by this Order.
7. A measuring device, approved by the Department, may be required if so ordered by the Department.
8. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

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 a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES



September 12, 2023

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 21026 and 21027 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 21026 and 21027 were mailed to the following:

Pamela Hitchcock
45828 Spotted Tail Road
Newport, Nebraska 68759

Heath Hitchcock
90728 Turkey Avenue
Newport, Nebraska 68759

Kelly Sudbeck
Nebraska Educational Board of Land and Funds
555 North Cotner Blvd.
Lincoln, Nebraska 68505
INTERAGENCY