

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-5267 AND MAP 19017 TO CHANGE THE LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-8389A

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8389A is held by Blaine Colgrove.
2. The Department has received information that Jessi Thiede Colgrove, wife of Blaine Colgrove, may have a spousal interest in the land appurtenant to appropriation A-8389A.
3. Appropriation A-8389A has a priority date of March 3, 1956, and authorizes the use of water for irrigation of the 36.0 acres of land described below. The water may be diverted from Big Indian Creek at points of diversion located on both banks of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, Township 1 North, Range 6 East of the 6<sup>th</sup> P.M. in Gage County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.26 cfs from all points of diversion.

Township 1 North, Range 6 East of the  
6<sup>th</sup> P.M. in Gage County

	Acres
Section 9: NW $\frac{1}{4}$ SW $\frac{1}{4}$	25.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>11.0</u>
TOTAL	36.0

4. On August 5, 2014, Blaine Colgrove and Jessi Thiede Colgrove filed in the Department relinquishment REL-5126, relinquishing the right to divert water under a portion of appropriation A-8389A to irrigate the 9.3 acres of land described below.

Township 1 North, Range 6 East of the  
6<sup>th</sup> P.M. in Gage County

	Acres
Section 9: NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.5
NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>3.8</u>
TOTAL	9.3

5. On December 29, 2014, Blaine Colgrove and Jessi Thiede Colgrove filed in the Department petition RLP-5267 for a permit to change the location of diversion for appropriation A-8389A and map number 19017 showing the location of the proposed pump site for appropriation A-8389A through petition RLP-5267.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-8389A at the rate of 0.07 cfs for use upon the land described below is CANCELLED.

<u>Township 1 North, Range 6 East of the</u>		<u>Acres</u>
6 <sup>th</sup> P.M. in Gage County		
Section 9:	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	5.5
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	<u>3.8</u>
	TOTAL	9.3

2. Petition RLP-5267 for a permit to change the location of diversion for appropriation A-8389A and map number 19017 are APPROVED.
3. Appropriation A-8389A through petition RLP-5267 is now A-8389AR.
4. Appropriation A-8389AR now authorizes the appropriator to divert water from Big Indian Creek to irrigate the 26.7 acres of land described below and depicted on map number 19017 which is made a part of this Order. The points of diversion remain in the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 9, Township 1 North, Range 6 East of the 6<sup>th</sup> P.M. in Gage County, as depicted on map number 19017. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum combined rate of 0.19 cfs (85 gallons per minute) from all points of diversion.

<u>Township 1 North, Range 6 East of the</u>		<u>Acres</u>
6 <sup>th</sup> P.M. in Gage County		
Section 9:	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	19.5
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	<u>7.2</u>
	TOTAL	26.7

5. All terms and conditions of appropriation A-8389 and A-8389A remain in effect unless specifically changed by this Order.
6. The appropriator must comply with all relevant statutes. This includes, but is 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 and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the 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. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

February 25, 2015

  
James C. Schneider, Ph.D.  
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19017 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19017 were mailed on February 25, 2015, to the following:

Blaine Colgrove  
44989 State Highway 112  
Odell, Nebraska 68415

Jessi Thiede Colgrove  
44989 State Highway 112  
Odell, Nebraska 68415