

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-3186

WATER DIVISION 2-A

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3186 is currently held by the Eichelberger Revocable Trust.
2. Appropriation A-3186 has a priority date of June 21, 1940, and authorizes the use of water for irrigation of the 45.25 acres of land described below. The water may be diverted from the South Loup River at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 14 North, Range 21 West of the 6<sup>th</sup> P.M. in Custer County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 100 acres irrigated at a maximum rate of 0.45 cfs. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 14 North, Range 21 West of the		
6 <sup>th</sup> P.M. in Custer County		Acres
Section 10:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.25
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>38.00</u>
	TOTAL	45.25

3. Ted and Kathy Henderson filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land authorized to be irrigated by appropriation A-3186.
4. Jim D. Myers filed a Notice of Change of Ownership indicating that he is the owner of a portion of the land authorized to be irrigated by appropriation A-3186.
5. Terry and Arleva Eichelberger filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land authorized to be irrigated by appropriation A-3186.
6. Thomas E. and Jennifer M. Ellis filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land authorized to be irrigated by appropriation A-3186.



diversion. This Order does not authorize access to the existing point of diversion.

4. Appropriation A-3186C is held by Jim D. Myers.

- A. He is allowed to divert 0.06 cfs (27 gallons per minute) from the South Loup River to irrigate the 6.1 acres of land described below and as depicted on map number 17493 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 100 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 14 North, Range 21 West of the  
6<sup>th</sup> P.M. in Custer County                      Acres

Section 10: NE $\frac{1}{4}$ NW $\frac{1}{4}$                                       6.10

- B. All terms and conditions of appropriation A-3186 remain in effect unless specifically changed by this Order.
- C. The point of diversion remains on the left bank of the South Loup River in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 14 North, Range 21 West of the 6<sup>th</sup> P.M. in Custer County. If the owner of appropriation A-3186C does not have access to this point of diversion, he must either obtain permission from the landowner or apply for a new point of diversion. This Order does not authorize access to the existing point of diversion.

5. Appropriation A-3186D is held by Terry and Arleva Eichelberger.

- A. They are allowed to divert 0.18 cfs (81 gallons per minute) from the South Loup River to irrigate the 17.5 acres of land described below and as depicted on map number 17494 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 100 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 14 North, Range 21 West of the  
6<sup>th</sup> P.M. in Custer County                      Acres

Section 10: SE $\frac{1}{4}$ NW $\frac{1}{4}$                                       17.50

- B. All terms and conditions of appropriation A-3186 remain in effect unless specifically changed by this Order.
- C. The point of diversion remains on the left bank of the South Loup River in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 14 North, Range 21 West of the 6<sup>th</sup> P.M. in Custer County. If the owners of appropriation A-3186D do not have access to this point of diversion, they must either obtain permission from the landowner or apply for a new point of diversion. This Order does not authorize access to the existing point of diversion.



Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 17492, 17493, 17494, 17495 and 17558 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 17492, 17493, 17494, 17495 and 17558 were mailed on January \_\_\_\_\_, 2010, to the following:

Thomas E. & Jennifer M. Ellis  
43545 River Bend Road  
Oconto, Nebraska 68860

Terry & Arleva Eichelberger  
43535 River Bend Road  
Oconto, Nebraska 68860

Jim D. Myers  
43525 River Bend Road  
Oconto, Nebraska 68860

Eichelberger Revocable Trust  
Wayne Eichelberger  
1538 South G Street  
Broken Bow, Nebraska 68822

Ted & Kathy Henderson  
43555 River Bend Road  
Oconto, Nebraska 68860