

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-11632

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that Wendell and Betty Rohrer are the owners of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, both in Township 30 North, Range 7 West of the 6th P.M. in Knox County appurtenant to a portion of appropriation A-11632.
2. Records on file in the Department show that Warren D. Wood is the owner of land located in E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, Township 30 North, Range 7 West of the 6th P.M. in Knox County appurtenant to a portion of appropriation A-11632.
3. Appropriation A-11632 with a priority date of February 3, 1969, authorizes the use of water for irrigation of the 57 acres of land described below. The water may be diverted from the North Branch of Verdigre Creek at points of diversion located on both banks of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and on the left bank in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 30 North, Range 7 West of the 6th P.M. in Knox County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.81 cfs from all points of diversion. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 30 North, Range 7 West of the 6 th P.M. in Knox County		Acres
Section 6	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	24
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	4
Section 5:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>14</u>
TOTAL		57

4. The land entitled to water under appropriation A-11632 is held in distinct parcels by multiple owners. Therefore the Department will divide the appropriation between current landowners so that each owner's rights are distinguishable.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-11632 is divided into two appropriations, A-11632A and A-11632B.
2. Appropriation A-11632A is held by Wendell and Betty Rohrer.
 - A. Appropriation A-11632A authorizes the diversion of 0.74 cfs (332 gallons per minute) from North Branch of Verdigre Creek to irrigate the 51.8 acres of land described below and as depicted on map number 17986 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 70 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 30 North, Range 7 West of the 6 th P.M. in Knox County		Acres
Section 5:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	14.0
Section 6:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>22.8</u>
TOTAL		51.8

- B. All terms and conditions of appropriation A-11632 remain in effect unless specifically changed by this Order.
 - C. The points of diversion remain on both banks of North Branch of Verdigre Creek in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and on the left bank in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 30 North, Range 7 West of the 6th P.M. in Knox County as depicted on map number 17986. If the owners of A-11632A do not have access to these points of diversion, they must either obtain permission from the landowner or file a Petition for Relocation of the Point of Diversion with the Department, and have it approved prior to any diversion. This Order does not authorize access to the existing points of diversion.
3. Appropriation A-11632B is held by Warren D. Wood.
 - A. Appropriation A-11632B authorizes the diversion of 0.07 cfs (31 gallons per minute) from North Branch of Verdigre Creek to irrigate the 5.2 acres of land described below and as depicted on map number 17987 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 70 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 30 North, Range 7 West of the 6 th P.M. in Knox County		Acres
Section 6:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>4.0</u>
TOTAL		5.2

- B. All terms and conditions of appropriation A-11632 remain in effect unless specifically changed by this Order.
- C. The points of diversion remain on both banks of North Branch of Verdigre Creek in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and on the left bank in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 30 North, Range 7 West of the 6th P.M. in Knox County as depicted on map number 17987. If the owner of A-11632B does not have access to these points of diversion, he must either obtain permission from the landowner or file a Petition for Relocation of the Point of Diversion with the Department, and have it approved prior to any diversion. This Order does not authorize access to the existing points of diversion.

Additional Information

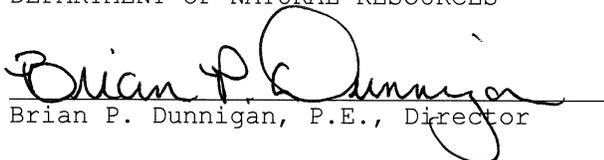
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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

January 30, 2013


Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Neb. Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval 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 17986 and 17987 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and maps number 17986 and 17987 were mailed on January 30, 2013, to the following:

Wendell & Betty Rohrer
88267 519 Avenue
Verdigre, Nebraska 68783

Warren D. Wood
3016 South 133rd Street
Omaha, Nebraska 68144