

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

Order Dividing and Changing Ownership of Appropriation A-12551

Water Division 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12551 is currently held by C D Farms Inc.
2. Appropriation A-12551 has a priority date of March 15, 1972, and authorizes the use of water for irrigation of the 155 acres of land described below. The water may be diverted from a tributary to School Creek at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 32, Township 8 North, Range 7 West of the 6<sup>th</sup> P.M. in Clay 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 rate of 2.21 cfs.

Township 8 North, Range 7 West of the 6 <sup>th</sup> P.M. in Clay County	Acres
Section 32: NE $\frac{1}{4}$ NW $\frac{1}{4}$	39
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>36</u>
TOTAL	155

3. Connie Reichert filed a Notice of Change of Ownership indicating that she is the owner of a portion of the land authorized to be irrigated by appropriation A-12551.
4. Larry Yost 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-12551.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-12551 is divided into two appropriations, A-12551A and A-12551B.
2. Appropriation A-12551A is held by Larry Yost.
  - A. He is allowed to divert 1.09 cfs (489 gallons per minute) from a tributary to School Creek to irrigate the 76 acres of land

described below and as depicted on map number 17329A 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.

Township 8 North, Range 7 West of the 6 <sup>th</sup> P.M. in Clay County		Acres
Section 32:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>36</u>
	TOTAL	76

- B. All terms and conditions of appropriation A-12551 remain in effect unless specifically changed by this Order.
- C. The point of diversion remains on the right bank of a tributary to School Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 32, Township 8 North, Range 7 West of the 6<sup>th</sup> P.M. in Clay County. If the owner of appropriation A-12551A 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.

3. Appropriation A-12551B is held by Connie Reichert.

- A. She is allowed to divert 1.13 cfs (507 gallons per minute) from a tributary to School Creek to irrigate the 79 acres of land described below and as depicted on map number 17329B 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.

Township 8 North, Range 7 West of the 6 <sup>th</sup> P.M. in Clay County		Acres
Section 32:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	39
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>40</u>
	TOTAL	79

- B. All terms and conditions of appropriation A-12551 remain in effect unless specifically changed by this Order.
- C. The point of diversion remains on the right bank of a tributary to School Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 32, Township 8 North, Range 7 West of the 6<sup>th</sup> P.M. in Clay County. If the owner of appropriation A-12551B does not have access to this point of diversion, she 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.

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.

