

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND APPROVAL OF EXPEDITED TRANSFER EXT-1833

FOR WATER APPROPRIATION A-12992

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-12992 is currently held by Roy E. Breuklander.
  
2. Appropriation A-12992 has a priority date of June 28, 1974, and authorizes the use of water for irrigation of the 240.0 acres of land described below. The water may be diverted from the Niobrara River at points of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, both in Township 33 North, Range 24 West of the 6<sup>th</sup> P.M. in Keya Paha 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 3.43 cfs from all points of diversion (1540 gallons per minute).

<u>Township 33 North, Range 24 West of the</u>		<u>6<sup>th</sup> P.M. in Keya Paha County</u>	<u>Acres</u>
Section 7:	NE $\frac{1}{4}$ SW $\frac{1}{4}$		11.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$		8.5
	NW $\frac{1}{4}$ SE $\frac{1}{4}$		2.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$		31.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$		4.1
Section 8:	SE $\frac{1}{4}$ SW $\frac{1}{4}$		0.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$		5.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$		1.5
Section 17:	NW $\frac{1}{4}$ NW $\frac{1}{4}$		14.2
	NE $\frac{1}{4}$ NW $\frac{1}{4}$		19.8
	NW $\frac{1}{4}$ NE $\frac{1}{4}$		33.8
	NE $\frac{1}{4}$ NE $\frac{1}{4}$		37.1
	SW $\frac{1}{4}$ NE $\frac{1}{4}$		1.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$		22.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$		15.8
Section 18:	NW $\frac{1}{4}$ NE $\frac{1}{4}$		10.3
	NE $\frac{1}{4}$ NE $\frac{1}{4}$		<u>19.4</u>
	TOTAL		240.0

3. On December 28, 2009, Roy E. Breuklander filed:

- a. Partial relinquishment of appropriation A-12992, REL-1834, relinquishing the right to divert water under appropriation A-12992 to irrigate the 93.3 acres of land described below.

<u>Township 33 North, Range 24 West of the</u>		
<u>6<sup>th</sup> P.M. in Keya Paha County</u>		<u>Acres</u>
Section 7:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	11.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	3.2
Section 8:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.8
Section 17:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.9
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.1
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.2
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.4
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	9.6
Section 18:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.8
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>2.0</u>
TOTAL		93.3

- b. Application EXT-1833 for an expedited transfer of the location of use for a portion of land appurtenant to appropriation A-12992 and map number 17570 showing the land proposed to be irrigated under appropriation A-12992 through transfer EXT-1833.

Order

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-12992 at the rate of 1.33 cfs is CANCELLED for use on the land described below.

<u>Township 33 North, Range 24 West of the</u>		
<u>6<sup>th</sup> P.M. in Keya Paha County</u>		<u>Acres</u>
Section 7:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	11.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	3.2
Section 8:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.8

Township 33 North, Range 24 West of the  
6<sup>th</sup> P.M. in Keya Paha County Acres

Section 17:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	7.9
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	10.1
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	10.0
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.2
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	0.2
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	15.4
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	9.6
Section 18:	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	0.8
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>2.0</u>
	TOTAL	93.3

2. Application EXT-1833 for a permit for an expedited transfer of the location of use and map number 17570 is APPROVED.
  
3. Appropriation A-12992 through transfer EXT-1833 authorizes the use of water to irrigate 146.7 acres of land described below and depicted on map number 17570, which is made a part of this Order. The water may be diverted from the Niobrara River at points of diversion located on the left bank of the stream in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 17, and in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 18, both in Township 33 North, Range 24 West of the 6<sup>th</sup> P.M. in Keya Paha County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 2.10 cfs from all points of diversion (942 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 33 North, Range 24 West of the  
6<sup>th</sup> P.M. in Keya Paha County Acres

Section 7:	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	8.2
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	20.8
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	0.2
Section 8:	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	2.8
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	1.5
Section 17:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	3.9
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	10.1
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	0.1
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	23.8
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	35.9
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	1.2
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	9.8
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	6.2
Section 18:	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	0.5
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	10.2
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>11.5</u>
	TOTAL	146.7

