

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-3273

WATER DIVISION 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that a portion of surface water appropriation A-3273 located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and the W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 16, Township 9 North, Range 2 East of the 6<sup>th</sup> P.M. in Seward County, is currently held by Eldon E. and Eileen Hostetler.
2. Records on file in the Department of Natural Resources show that a portion of surface water appropriation A-3273 located in the S $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 16, Township 9 North, Range 2 East of the 6<sup>th</sup> P.M. in Seward County is currently held by John Schnack, and Gregory and Janice Schnack.
3. Appropriation A-3273 has a priority date of September 24, 1940, and authorizes the use of water for irrigation of the 38.0 acres of land described below. The water may be diverted from the West Fork of the Big Blue River at points of diversion located on both banks of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, Township 9 North, Range 2 East of the 6<sup>th</sup> P.M. in Seward County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.27 cfs from all points of diversion. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 9 North, Range 2 East of the 6 <sup>th</sup> P.M. in Seward County		Acres
Section 16:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.2
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>14.0</u>
	TOTAL	38.0

4. Gregory D. and Janice K. Schnack filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land located in the S $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 16, Township 9 North, Range 2 East of the 6<sup>th</sup> PM in Seward County, authorized to be irrigated by appropriation A-3273.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-3273 is divided into two appropriations, A-3273A and A-3273B.
2. Appropriation A-3273A is held by Eldon E. and Eileen Hostetler.

A. They are allowed to divert 0.14 cfs (63 gallons per minute) from the West Fork of the Big Blue River to irrigate the 19.6 acres of land described below and as depicted on map number 17573 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 140 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 9 North, Range 2 East of the</u>		
<u>6<sup>th</sup> P.M. in Seward County</u>		<u>Acres</u>
Section 16:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.2
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>4.4</u>
	TOTAL	19.6

B. All terms and conditions of appropriation A-3273 remain in effect unless specifically changed by this Order.

C. The points of diversion remain on both banks of the West Fork of the Big Blue River in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, Township 9 North, Range 2 East of the 6<sup>th</sup> P.M. in Seward County. If the owners of appropriation A-3273A do not have access to these points 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 points of diversion.

3. Appropriation A-3273B is held by Gregory D. and Janice K. Schnack.

A. They are allowed to divert 0.13 cfs (58 gallons per minute) from the West Fork of the Big Blue River to irrigate the 17.9 acres of land described below and as depicted on map number 17574 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 140 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 9 North, Range 2 East of the</u>		
<u>6<sup>th</sup> P.M. in Seward County</u>		<u>Acres</u>
Section 16:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>14.0</u>
	TOTAL	18.4

