

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-13042

WATER DIVISION 2-B

Background

1. Records on file in the Department of Natural Resources (Department) show that a portion of surface water appropriation A-13042 located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 14 and the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 23, both in Township 25 North, Range 8 West of the 6<sup>th</sup> P.M. in Antelope County, is currently held by Donald G. Jones.
2. Records on file in the Department show that a portion of surface water appropriation A-13042 located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, Township 25 North, Range 8 West of the 6<sup>th</sup> P.M. in Antelope County, is currently held by Ronda L. Behnk.
3. Appropriation A-13042 has a priority date of June 4, 1974, and authorizes the use of water for irrigation of the 115 acres of land described below. The water may be diverted from Clearwater Creek at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 23, Township 25 North, Range 8 West of the 6<sup>th</sup> P.M. in Antelope 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 1.64 cfs. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

<u>Township 25 North, Range 8 West of the</u>		
<u>6<sup>th</sup> P.M. in Antelope County</u>		<u>Acres</u>
Section 14:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20
Section 15:	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
Section 23:	NW $\frac{1}{2}$ NW $\frac{1}{2}$	23
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>32</u>
TOTAL		115

4. Raymond E. and Celestine G. Moser filed a Notice of Change of Ownership indicating that they are the owners of a portion of the land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 14 and the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 23, both in Township 25 North, Range 8 West of the 6<sup>th</sup> P.M. in Antelope County, authorized to be irrigated by appropriation A-13042.

Order

IT IS HEREBY ORDERED:

1. Appropriation A-13042 is divided into two appropriations, A-13042A and A-13042B.
2. Appropriation A-13042A is held by Raymond E. and Celestine G. Moser.

- A. They are allowed to divert 1.07 cfs (480 gallons per minute) from Clearwater Creek to irrigate the 75 acres of land described below and as depicted on map number 17448 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 25 North, Range 8 West of the	
<u>6<sup>th</sup> P.M. in Antelope County</u>	
	<u>Acres</u>
Section 14: SW $\frac{1}{4}$ SW $\frac{1}{4}$	20
Section 23: NW $\frac{1}{4}$ NW $\frac{1}{4}$	23
SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>32</u>
TOTAL	75

- B. All terms and conditions of appropriation A-13042 remain in effect unless specifically changed by this Order.
  - C. The point of diversion remains on the left bank of Clearwater Creek in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 23, Township 25 North, Range 8 West of the 6<sup>th</sup> P.M. in Antelope County. If the owners of appropriation A-13042A 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.
3. Appropriation A-13042B is held by Ronda L. Behnk.

- A. She is allowed to divert 0.57 cfs (256 gallons per minute) from Clearwater Creek to irrigate the 40 acres of land described below and as depicted on map number 17449 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 25 North, Range 8 West of the	
<u>6<sup>th</sup> P.M. in Antelope County</u>	
	<u>Acres</u>
Section 15: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40

- B. All terms and conditions of appropriation A-13042 remain in effect unless specifically changed by this Order.

