

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER DIVIDING APPROPRIATION A-12970, APPROVAL OF PETITION RLP-11744

AND APPROVAL OF MAPS NUMBER 21732 AND 21733

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-12970 is currently held by **Paul G. Hilkemann, Jr. and Vicki L. Hilkemann.**
2. Appropriation A-12970 with a priority date of **January 15, 1974,** authorizes the use of water for irrigation of the **120.0 acres** of land described below. The water may be diverted from **the North Fork of the Elkhorn River** at points of diversion located in the **NE¹/₄NW¹/₄, NW¹/₄NE¹/₄, NE¹/₄NE¹/₄ and SE¹/₄NE¹/₄ of Section 18, Township 25 North, Range 01 West of the 6th P.M. in Pierce County.** Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every **112 acres** irrigated at a maximum combined rate of **1.07 cfs** from all points of diversion.

<u>Township 25 North, Range 01 West of the 6th P.M. in Pierce County</u>	<u>Acres</u>
Section 18: NW ¹ / ₄ NW ¹ / ₄	20.0
NE ¹ / ₄ NW ¹ / ₄	22.0
NW ¹ / ₄ NE ¹ / ₄	28.0
NE ¹ / ₄ NE ¹ / ₄	29.0
SE ¹ / ₄ NE ¹ / ₄	<u>21.0</u>
TOTAL	120.0

3. A review of Department records indicates that the Order dated August 15, 2002, limited the annual volume of water to **1.88 acre-feet per acre annually** for the land described above.
4. On January 28, 2026, Paul G. Hilkemann, Jr., filed petitions RLP-11700 and RLP-11701 with the Department seeking a permit to change the location of diversion for appropriation A-12970 to two groundwater wells located within fifty feet of the stream.
5. Pursuant to Neb. Rev. Stat. § 46-636, pumping from wells within fifty feet of a natural stream may directly affect streamflow.
6. Neb. Rev. Stat. § 46-637 requires a permit for groundwater pumping associated with wells described in Neb. Rev. Stat. § 46-636. Accordingly, A-12970 shall be divided into appropriationd A-12970AR and A-12970BR.

ORDER

IT IS HEREBY ORDERED:

1. Appropriation **A-12970** is divided into two appropriations **A-12970AR** and **A-12970BR**.
2. **Petition RLP-11700 and RLP-11701** seeking a permit to change the location of diversion for appropriation A-12970 and map numbers **21732** and **21733** are **APPROVED**.
3. Appropriation **A-12970AR through RLP-11700** authorizes the use of water to irrigate **58.6 acres** of land described below and depicted on map number 21732, which is made a part of this Order. The water may be diverted at a **point of diversion** located adjacent to the **right bank** of the stream in the **SE $\frac{1}{4}$ NE $\frac{1}{4}$** of **Section 18, Township 25 North, Range 01 West of the 6th P.M. in Pierce County**. Water shall be diverted from a **registered groundwater well**. The rate of diversion shall not exceed **one cfs for each 112 acres** irrigated, with a maximum rate of **0.52 cfs (233 gallons per minute)** nor exceed **1.88 acre-feet per acre annually** for the following described land.

Township 25 North, Range 01 West of the 6 th P.M. in Pierce County		Acres
Section 18:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	29.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>21.0</u>
	TOTAL	58.6

4. Appropriation No. **A-12970BR through RLP-11701** authorizes the use of water to irrigate **61.4 acres** of land described below and depicted on map number 21733, which is made a part of this Order. The water may be diverted at a **point of diversion** located adjacent to the **left bank** of the stream in the **NE $\frac{1}{4}$ NW $\frac{1}{4}$** of **Section 18, Township 25 North, Range 01 West of the 6th P.M. in Pierce County**. Water shall be diverted from a **registered groundwater well**. The rate of diversion shall not exceed **one cfs for each 112 acres** irrigated, with a maximum rate of **0.55 cfs (247 gallons per minute)** nor exceed **1.88 acre-feet per acre annually** for the following described land.

Township 25 North, Range 01 West of the 6 th P.M. in Pierce County		Acres
Section 18:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	22.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>19.4</u>
	TOTAL	61.4

5. All terms and conditions of the approval of appropriation A-12970 remain in effect unless specifically changed by this Order.

Construction and Deadlines

- A. **Construction and registration** of the two groundwater wells shall be completed **within one year** of the **date of this Order**.
- B. The appropriator must **notify** the Department **in writing** that construction of the groundwater wells has been completed. This notice must contain the **groundwater well numbers**, be **signed** and may be **delivered** via U.S. mail, hand delivery, or email.
- C. If the two groundwater wells are **not constructed and registered within one year** of the date of this Order, this appropriation shall **revert to the terms of the original Order** without further action by the Department.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Department, or the provisions of this Order may result in 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 WATER, ENERGY, AND ENVIRONMENT



April 28, 2026

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order and map numbers 21732 and 21733 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map numbers 21732 and 21733 were mailed to the following:

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