

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-15565

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15565 is held by Chad and Becky Ortmeier.
2. Appropriation A-15565 has a priority date of August 20, 1979, and authorizes the use of water for irrigation of the 124.0 acres of land described below. The water may be diverted from the Little Blue River at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12, Township 4 North, Range 7 West of the 6<sup>th</sup> P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.89 cfs.

Township 4 North, Range 7 West of the 6 <sup>th</sup> P.M. in Nuckolls County		Acres
Section 12:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	15.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	11.0
Section 13:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	28.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	28.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>2.0</u>
	TOTAL	124.0

3. On April 11, 2014, Chad and Becky Ortmeier filed a Relinquishment of Water Appropriation, REL-5027, relinquishing the right to divert water under a portion of appropriation A-15565 to irrigate the 46.7 acres of land described below.

Township 4 North, Range 7 West of the 6 <sup>th</sup> P.M. in Nuckolls County		Acres
Section 13:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	19.1
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>27.6</u>
	TOTAL	46.7

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-15565 at the rate of 0.33 cfs for use upon the land described below is CANCELLED.

<u>Township 4 North, Range 7 West of the</u>	
<u>6<sup>th</sup> P.M. in Nuckolls County</u>	
	<u>Acres</u>
Section 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$	19.1
SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>27.6</u>
TOTAL	46.7

2. Appropriation A-15565 now authorizes the appropriator to divert water from the Little Blue River to irrigate the 77.3 acres of land described below and depicted on map number 19005 which is made a part of this Order. The point of diversion remains in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12, Township 4 North, Range 7 West of the 6<sup>th</sup> P.M. in Nuckolls County, as depicted on map number 19005. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.56 cfs (247 gallons per minute).

<u>Township 4 North, Range 7 West of the</u>	
<u>6<sup>th</sup> P.M. in Nuckolls County</u>	
	<u>Acres</u>
Section 12: SW $\frac{1}{4}$ SW $\frac{1}{4}$	15.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	11.0
Section 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.9
NE $\frac{1}{4}$ NW $\frac{1}{4}$	28.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.4
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>2.0</u>
TOTAL	77.3

3. Appropriation A-15565 provides additional water to appropriation A-4028.
4. All terms and conditions of appropriation A-15565 remain in effect unless specifically changed by this Order.
5. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
  - A. Notify the Department of any change in ownership or address.
  - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).

- C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

April 28, 2015

  
James C. Schneider, Ph.D.  
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19005 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19005 were mailed on April 28, 2015, to the following:

Chad and Becky Ortmeier  
260 County Road 3  
Dodge, Nebraska 68633