STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-16641

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16641 is held by Isabel Carol Valen Revocable Trust.

2. A search of the records of the Kearney County Register of Deeds indicates a portion of the land appurtenant to appropriation A-16641 is owned by the Minden Airport Authority.

3. Appropriation A-16641 has a priority date of April 26, 1988, and authorizes the use of water for irrigation of the 55.0 acres of land described below. The water may be diverted from a tributary to Sand Creek at a point of diversion located on the left bank of the stream in the NE¼NW¼ of Section 6, Township 6 North, Range 14 West of the 6th P.M. in Kearney County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.79 cfs.

| Township 6 North, Range 14 West of the 6th P.M. in Kearney County | | Acres |
|---|---|---|
| Section 6: | NE¼NW¼ | 30.0 |
| | SE¼NW¼ | 25.0 |
| | TOTAL | 55.0 |

4. On June 22, 2015, Brent Stewart, Chairman of the Minden Airport Authority, filed relinquishment REL-5492, relinquishing the right to divert water under a portion of appropriation A-16641 to irrigate the 2.8 acres of land described below.

| Township 6 North, Range 14 West of the 6th P.M. in Kearney County | | Acres |
|---|---|---|
| Section 6: | SE¼NW¼ | 2.8 |

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-16641 at the rate of 0.04 cfs for use upon the land described below is CANCELLED.

| Township 6 North, Range 14 West of the 6th P.M. in Kearney County | | Acres |
|---|---|---|
| Section 6: | SE¼NW¼ | 2.8 |

2. Appropriation A-16641 now authorizes the appropriator to divert water from a tributary to Sand Creek to irrigate the 52.2 acres of land described below and depicted on map number 19266 which is made a part of this Order. The point of diversion remains in the NE¼NW¼ of Section 6, Township 6 North, Range 14 West of the 6th P.M. in Kearney County, as depicted on map number 19266. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.75 cfs (337 gallons per minute).

| Township 6 North, Range 14 West of the 6th P.M. in Kearney County | | Acres |
|---|---|---|
| Section 6: | NE¼NW¼ | 30.0 |
| | SE¼NW¼ | 22.2 |
| | TOTAL | 52.2 |

3. All terms and conditions of appropriation A-16641 remain in effect unless specifically changed by this Order.

4. 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

July 27, 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 19266 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19266 were mailed on July 27, 2015, to the following:

Brent Stewart, Chairman
Minden Airport Authority
P.O. Box 295
Minden, Nebraska 68959

Isabel Carol Valen, Trustee
Isabel Carol Valen Revocable Trust
12561 Nottingham Lane
Grass Valley, California 95949