

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18307

WATER DIVISION 1-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-18307 is held by Glenn Elting & Sons.
2. Appropriation A-18307 authorizes the use of water for irrigation of the 202.3 acres of land described below. The water may be diverted from a point of diversion located on the right bank of the Little Blue River in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 4 North, Range 7 West of the 6th P.M. in Nuckolls 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 2.89 cfs (1297 gallons per minute).

Township 4 North, Range 7 West of the	
6 th P.M. in Nuckolls County	
	Acres
Section 11:	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	37.3
NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.4
SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.3
NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.6
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.1
SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.1
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>32.9</u>
TOTAL	202.3

3. The approval of appropriation A-18307 was conditional upon the irrigation of the above lands by September 1, 2008.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18307 had not been irrigated by September 1, 2008.
5. Nebraska Revised Statutes, Section 46-229.02(7), provide for the cancellation of unused portions of surface water appropriations.

Order

IT IS HEREBY ORDERED:

1. Part of appropriation A-18307 at the rate of 0.62 cfs for use upon the land described below is CANCELLED.

Township 4 North, Range 7 West of the 6 th P.M. in Nuckolls County		Acres
Section 11:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	21.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.3
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>18.1</u>
	TOTAL	43.1

2. Appropriation A-18307 now permits Glenn Elting & Sons to divert water from the Little Blue River to irrigate the 159.2 acres of land described below and depicted on map number 17345 which is made a part of this Order. The point of diversion remains in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 2.27 cfs (1019 gallons per minute).

Township 4 North, Range 7 West of the 6 th P.M. in Nuckolls County		Acres
Section 11:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.7
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.4
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	15.7
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.1
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.6
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.8
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>14.8</u>
	TOTAL	159.2

3. All terms and conditions of appropriation A-18307 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).

