

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-9954

WATER DIVISION 1-C

Background

1. Records on file in the Department of Natural Resources (Department) show that the portion of surface water appropriation A-9954 located in the N $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 1, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 12, both in Township 3 North, Range 6 West of the 6<sup>th</sup> P.M. in Nuckolls County is held by J & M Farms.
2. Records on file in the Department show that the portion of appropriation A-9954 located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 12, Township 3 North, Range 6 West of the 6<sup>th</sup> P.M. in Nuckolls County is held by Schumacher Farm.
3. Appropriation A-9954 authorizes the use of water for irrigation of the 125.0 acres of land described below. The water may be diverted from the Little Blue River at points of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 7, Township 3 North, Range 5 West of the 6<sup>th</sup> P.M., and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 1, Township 3 North, Range 6 West of the 6<sup>th</sup> P.M., both 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 combined rate of 1.78 cfs from all points of diversion.

<u>Township 3 North, Range 6 West of the</u>		<u>Acres</u>
<u>6<sup>th</sup> P.M. in Nuckolls County</u>		
Section 1:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.0
Section 12:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	6.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	17.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>20.0</u>
	TOTAL	125.0

4. John P. and Mark B. McLaughlin, on behalf of J & M Farms, filed a Relinquishment of Water Appropriation, REL-1715, in the office of the Department relinquishing the right to divert water under appropriation A-9954 for use upon their land described below.

<u>Township 3 North, Range 6 West of the 6<sup>th</sup> P.M. in Nuckolls County</u>		
		<u>Acres</u>
Section 1:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.0
Section 12:	NW $\frac{3}{4}$ NE $\frac{1}{4}$	<u>5.0</u>
	TOTAL	40.0

5. Kathleen M. and Richard W. Schumacher, Trustees for the Robert S. Schumacher Family Trust, on behalf of Schumacher Farm, filed a Relinquishment of Water Appropriation, REL-1724, in the office of the Department relinquishing the right to divert water under appropriation A-9954 for use upon their land described below.

<u>Township 3 North, Range 6 West of the 6<sup>th</sup> P.M. in Nuckolls County</u>		
		<u>Acres</u>
Section 12:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	6.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	17.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>20.0</u>
	TOTAL	85.0

Order

IT IS HEREBY ORDERED appropriation A-9954 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

November 6, 2009

\_\_\_\_\_/s/  
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed on November \_\_\_\_\_, 2009, to the following:

J & M Farms and Schumacher Farm  
c/o Loren Jensen  
PO Box 433  
Edgar, Nebraska 68935

John P. McLaughlin  
1939 W 10<sup>th</sup> Street  
Hastings, Nebraska 68901

Mark B. McLaughlin  
3344 North 207<sup>th</sup> Terrace  
Elkhorn, Nebraska 68022