

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-10479

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10479 is held by Max Waldo.
2. Department staff received correspondence that Patricia Waldo has a marital interest in the land appurtenant to appropriation A-10479.
3. Appropriation A-10479 has a priority date of December 1, 1964, and authorizes the use of water for irrigation of the 27.2 acres of land described below. The water may be diverted from Turkey Creek at points of diversion located on the left bank of the stream in the NW¹/₄SW¹/₄ of Section 19, Township 5 North, Range 5 East of the 6th P.M. in Gage County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.39 cfs from all points of diversion.

<u>Township 5 North, Range 5 East of the 6th P.M. in Gage County</u>	<u>Acres</u>
Section 19: SW ¹ / ₄ NW ¹ / ₄	16.6
NW ¹ / ₄ SW ¹ / ₄	<u>10.6</u>
TOTAL	27.2

4. On September 16, 2013, Max and Patricia Waldo filed relinquishment REL-4827, relinquishing the right to divert water under a portion of appropriation A-10479 to irrigate the 7.5 acres of land described below.

<u>Township 5 North, Range 5 East of the 6th P.M. in Gage County</u>	<u>Acres</u>
Section 19: SW ¹ / ₄ NW ¹ / ₄	0.5
NW ¹ / ₄ SW ¹ / ₄	<u>7.0</u>
TOTAL	7.5

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-10479 at the rate of 0.11 cfs for use upon the land described below is CANCELLED.

<u>Township 5 North, Range 5 East of the 6th P.M. in Gage County</u>	
	<u>Acres</u>
Section 19: SW ¹ / ₄ NW ¹ / ₄	0.5
NW ¹ / ₄ SW ¹ / ₄	<u>7.0</u>
TOTAL	7.5

2. Appropriation A-10479 now authorizes the appropriator to divert water from Turkey Creek to irrigate the 19.7 acres of land described below and depicted on map number 18629 which is made a part of this Order. The point of diversion remains in the NW¹/₄SW¹/₄ of Section 19, Township 5 North, Range 5 East of the 6th P.M. in Gage County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.28 cfs (126 gallons per minute).

<u>Township 5 North, Range 5 East of the 6th P.M. in Gage County</u>	
	<u>Acres</u>
Section 19: SW ¹ / ₄ NW ¹ / ₄	16.1
NW ¹ / ₄ SW ¹ / ₄	<u>3.6</u>
TOTAL	19.7

3. All terms and conditions of appropriation A-10479 remain in effect unless specifically changed by this Order.
4. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
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

October 10, 2013


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18629 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18629 were mailed on October 10, 2013, to the following:

Max and Patricia Waldo
14114 West Dogwood Road
DeWitt, Nebraska 68341