

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-12020

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12020 is held by the Neal R. and Carol A. Sell Trusts.
2. Appropriation A-12020 has a priority date of July 22, 1970, and authorizes the use of water for irrigation of the 60.0 acres of land described below. The water may be diverted from the Big Blue River at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 11 North, Range 3 East of the 6th P.M. in Seward 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 0.86 cfs.

<u>Township 11 North, Range 3 East of the 6th P.M. in Seward County</u>		<u>Acres</u>
Section 7:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>25.0</u>
	TOTAL	60.0

3. Neal R. and Carol A. Sell filed a partial relinquishment of water appropriation A-12020, REL-4661, relinquishing the right to divert water under appropriation A-12020 to irrigate the 4.0 acres of land described below.

<u>Township 11 North, Range 3 East of the 6th P.M. in Seward County</u>		<u>Acres</u>
Section 7:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.0

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-12020 at the rate of 0.06 cfs for use upon the land described below is CANCELLED.

<u>Township 11 North, Range 3 East of the 6th P.M. in Seward County</u>		<u>Acres</u>
Section 7:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.0

2. Appropriation A-12020 now authorizes the appropriator to divert water from the Big Blue River to irrigate the 56.0 acres of land described below and depicted on map number 18517 which is made a part of this Order. The point of diversion remains in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 11 North, Range 3 East of the 6th P.M. in Seward County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.80 cfs (359 gallons per minute) from all points of diversion.

<u>Township 11 North, Range 3 East of the</u>		<u>6th P.M. in Seward County</u>	<u>Acres</u>
Section 7:	NE $\frac{1}{4}$ SW $\frac{1}{4}$		31.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$		<u>25.0</u>
	TOTAL		56.0

3. A measuring device approved by the Department is required.
4. All terms and conditions of appropriation A-12020 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

July 16, 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 18517 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18517 were mailed on July 16, 2013, to the following:

Neal R. and Carol A. Sell Trusts
c/o Neal R. and Carol A. Sell
1197 Rainbow Avenue
Seward, Nebraska 68434

Brian Schulz
1702 308th
Seward, Nebraska 68434