

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13348

CASE NUMBER 2012-49-CC-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Doris M. Pile owns land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County that is appurtenant to surface water appropriation A-13348.
2. Records on file in the Department show that Daniel J. and Cindy Ann Fritz own land located in the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 10, Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County that is appurtenant to surface water appropriation A-13348.
3. Appropriation A-13348 has a priority date of January 8, 1975, and authorizes the use of water for irrigation of the 93.0 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County. The rate that water may be diverted shall not exceed 1.33 cubic feet per second (cfs) from all points of diversion.

Township 7 North, Range 4 East of the  
6<sup>th</sup> P.M. in Saline County

	Acres
Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$	24.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	12.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>40.0</u>
TOTAL	93.0

4. The Department has received information concerning the use of surface water appropriation A-13348 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

5. On December 26, 2012, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-13348 had not been irrigated for at least five years:

<u>Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County</u>		<u>Acres</u>
Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$		9.1
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	7.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>40.0</u>
	TOTAL	73.6

6. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Doris M. Pile, 862 County Road 2350, Wilber, Nebraska 68465, and to Daniel J. and Cindy Ann Fritz, 1269 County Road 2200, Wilber, Nebraska 68465.
7. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-13348 at the rate of 1.05 cfs for use upon the land described below is CANCELLED.

<u>Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County</u>		<u>Acres</u>
Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$		9.1
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	7.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>40.0</u>
	TOTAL	73.6

2. Appropriation A-13348 now authorizes the appropriator to divert water from the Big Blue River to irrigate the 19.4 acres of land described below and depicted on map number 18380 which is made a part of this Order. The points of diversion remain in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 0.28 cfs (126 gallons per minute) from all points of diversion.

<u>Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County</u>		<u>Acres</u>
Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$		14.9
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.5</u>
	TOTAL	19.4

3. All terms and conditions of appropriation A-13348 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

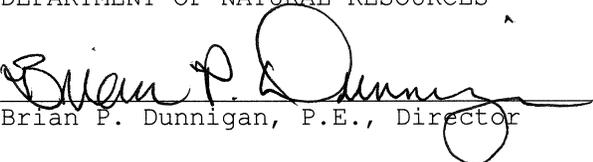
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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

March 26, 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 18380 were provided to the Department's docket clerk and field office in Lincoln, Nebraska. Copies of this Order and map number 18380 were mailed on March 26, 2013, to the following:

Doris M. Pile  
 862 County Road 2350  
 Wilber, Nebraska 68465

Daniel J. and Cindy Ann Fritz  
 1269 County Road 2200  
 Wilber, Nebraska 68465