

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13676

CASE NUMBER 2013-26-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13676 is held by Carrol M. and Angeline Meyer.
2. Appropriation A-13676 has a priority date of July 23, 1975, and authorizes the use of water for irrigation of the 70.0 acres of land described below. The water may be diverted from the South Branch of Weeping Water Creek at points of diversion located on both banks of the stream in the S½NE¼ and on the right bank in the NE¼SE¼ of Section 33, Township 10 North, Range 12 East of the 6<sup>th</sup> P.M. in Cass County. The rate that water may be diverted shall not exceed 1.00 cubic foot per second (cfs).

Township 10 North, Range 12 East of the 6 <sup>th</sup> P.M. in Cass County	Acres	Township 10 North, Range 12 East of the 6 <sup>th</sup> P.M. in Cass County	Acres
Section 33: NW¼NE¼	18.9	Section 33: NE¼SE¼	<u>2.1</u>
NE¼NE¼	1.4		
SW¼NE¼	21.7	TOTAL	70.0
SE¼NE¼	25.9		

3. The Department has received information concerning the use of surface water appropriation A-13676 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.
4. On May 28, 2013, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-13676 had not been irrigated for at least five years:

Township 10 North, Range 12 East of the 6 <sup>th</sup> P.M. in Cass County	Acres	Township 10 North, Range 12 East of the 6 <sup>th</sup> P.M. in Cass County	Acres
Section 33: NW¼NE¼	16.2	Section 33: NE¼SE¼	<u>2.1</u>
NE¼NE¼	1.4		
SW¼NE¼	9.1	TOTAL	39.9
SE¼NE¼	11.1		

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Carrol M. and Angeline Meyer, 10706 O Street, Avoca, Nebraska 68307.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-13676 at the rate of 0.57 cfs for use upon the land described below is CANCELLED.

Township 10 North, Range 12 East of the 6 <sup>th</sup> P.M. in Cass County	Acres
Section 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.2
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.4
SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.1
SE $\frac{1}{4}$ NE $\frac{1}{4}$	11.1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>2.1</u>
TOTAL	39.9

2. Appropriation A-13676 now authorizes the appropriator to divert water from the South Branch of Weeping Water Creek to irrigate the 30.1 acres of land described below and depicted on map number 18537 which is made a part of this Order. The points of diversion remain on both banks of the stream in the S $\frac{1}{2}$ NE $\frac{1}{4}$  and on the right bank in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, Township 10 North, Range 12 East of the 6<sup>th</sup> P.M. in Cass County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 0.43 cfs (193 gallons per minute) from all points of diversion.

Township 10 North, Range 12 East of the 6 <sup>th</sup> P.M. in Cass County	Acres
Section 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>14.8</u>
TOTAL	30.1

3. All terms and conditions of appropriation A-13676 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

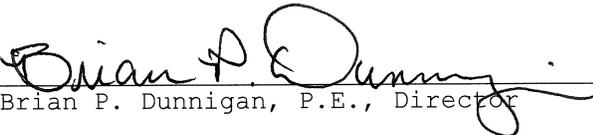
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

October 22, 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 18537 were provided to the Department's docket clerk and field office in Lincoln, Nebraska. Copies of this Order and map number 18537 were mailed on October 22, 2013, to the following:

Carrol M. and Angeline Meyer  
10706 O Street  
Avoca, Nebraska 68307