

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18211

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18211 is held by W & R Inc.
2. Appropriation A-18211, with a priority date of February 17, 2004, authorizes the use of water for irrigation of the 112.4 acres of land described below. The water may be diverted from the Little Blue River at points of diversion located on both banks of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 19, Township 3 North, Range 1 East of the 6<sup>th</sup> P.M. in Jefferson 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 1.61 cfs from all points of diversion.

<u>Township 3 North, Range 1 East of the 6<sup>th</sup> P.M. in Jefferson County</u>	<u>Acres</u>
Section 19: SW $\frac{1}{4}$ NW $\frac{1}{4}$	35.1
NW $\frac{1}{4}$ SW $\frac{1}{4}$	19.0
<u>Township 3 North, Range 1 West of the 6<sup>th</sup> P.M. in Thayer County</u>	<u>Acres</u>
Section 24: SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.2
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>19.1</u>
TOTAL	112.4

3. The approval of appropriation A-18211 was conditional upon the irrigation of the above lands by September 1, 2006.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18211 had not been irrigated by September 1, 2006.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18211 at the rate of 0.28 cfs for use upon the land described below is CANCELLED.

Township 3 North, Range 1 East of the  
6<sup>th</sup> P.M. in Jefferson County Acres

Section 19: SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> 6.7

NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> 1.9

Township 3 North, Range 1 West of the  
6<sup>th</sup> P.M. in Thayer County Acres

Section 24: SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> 7.7

NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> 2.7

TOTAL 19.0

2. Appropriation A-18211 now permits the appropriator to divert water from Little Blue River to irrigate the 93.4 acres of land described below and depicted on map number 18126 which is made a part of this Order. The points of diversion remain in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 19, Township 3 North, Range 1 East of the 6<sup>th</sup> P.M. in Jefferson County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.33 cfs (597 gallons per minute) from all points of diversion.

Township 3 North, Range 1 East of the  
6<sup>th</sup> P.M. in Jefferson County Acres

Section 19: SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> 28.4

NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> 17.1

Township 3 North, Range 1 West of the  
6<sup>th</sup> P.M. in Thayer County Acres

Section 24: SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> 31.5

NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> 16.4

TOTAL 93.4

3. All terms and conditions of appropriation A-18211 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

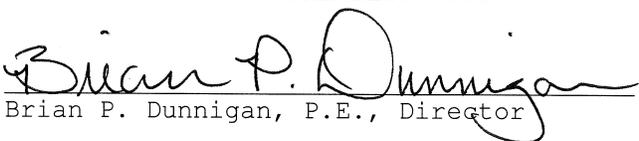
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

May 9, 2012

  
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 18126 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 18126 were mailed on May 9, 2012, to the following:

W & R Inc  
c/o Alan C. Riggins  
1306 F Street  
Fairbury, NE 68352

W & R Inc  
c/o United Farm and Ranch Management  
P.O. Box 85506  
Lincoln, NE 68501-5506