

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18599

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18599 is held by the Hill Family Trust.
2. Appropriation A-18599, with a priority date of May 29, 2008, authorizes the use of water for irrigation of the 123.7 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 3 North, Range 6 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 1.77 cfs from all points of diversion.

| Township 3 North, Range 6 East of the 6 th P.M. in Gage County | | Acres |
|--|-----------------------------------|-------------|
| Section 12: | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 26.6 |
| | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 38.6 |
| | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 33.6 |
| | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>24.9</u> |
| | TOTAL | 123.7 |

3. The approval of appropriation A-18599 was conditional upon the irrigation of the above lands by September 1, 2011.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18599 had not been irrigated by September 1, 2011.
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-18599 at the rate of 0.43 cfs for use upon the land described below and the point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 3 North, Range 6 East of the 6th P.M. in Gage County are CANCELLED.

| <u>Township 3 North, Range 6 East of the 6th P.M. in Gage County</u> | | <u>Acres</u> |
|---|-----------------------------------|--------------|
| Section 12: | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 25.5 |
| | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | <u>4.4</u> |
| | TOTAL | 29.9 |

2. Appropriation A-18599 now permits the appropriator to divert water from the Big Blue River to irrigate the 93.8 acres of land described below, using the point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 3 North, Range 6 East of the 6th P.M. in Gage County, as depicted on map number 18696 which is made a part of this Order. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.34 cfs (601 gallons per minute).

| <u>Township 3 North, Range 6 East of the 6th P.M. in Gage County</u> | | <u>Acres</u> |
|---|-----------------------------------|--------------|
| Section 12: | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 1.1 |
| | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 34.2 |
| | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 33.6 |
| | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>24.9</u> |
| | TOTAL | 93.8 |

3. All terms and conditions of appropriation A-18599 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

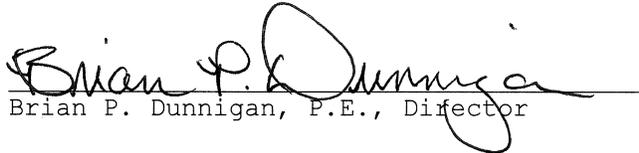
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

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 18696 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 18696 were mailed on October 22, 2013, to the following:

Hill Family Trust
116 North 5th Street
Beatrice, Nebraska 68310

John A. Hill
3681 East Locust Lane
Holmesville, Nebraska 68310