

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18660

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18660 is held by Richard and Nancy Wortmann.
2. Appropriation A-18660, with a priority date of April 20, 2009, authorizes the use of water for irrigation of the 372.5 acres of land described below. The water may be diverted from Beaver Creek at points of diversion located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, Township 32 North, Range 2 West of the 6<sup>th</sup> P.M. in Knox 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 5.32 cfs from all points of diversion.

Township 32 North, Range 2 West of the 6 <sup>th</sup> P.M. in Knox County	Acres
Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$	26.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	23.9
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.8
NW $\frac{1}{4}$ SW $\frac{1}{4}$	9.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	16.2
SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	35.8
SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.8
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>37.5</u>
TOTAL	372.5

3. The approval of appropriation A-18660 was conditional upon the irrigation of the above lands by September 1, 2012.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18660 had not been irrigated by September 1, 2012.
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-18660 at the rate of 1.92 cfs for use upon the land described below is CANCELLED.

Township 32 North, Range 2 West of the 6 <sup>th</sup> P.M. in Knox County		Acres
Section 11:	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	7.4
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	19.3
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	39.0
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	32.8
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	3.8
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	8.8
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	6.3
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	3.7
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	0.1
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	5.2
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	3.4
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	4.9
	TOTAL	134.7

2. Appropriation A-18660 now permits the appropriator to divert water from Beaver Creek to irrigate the 237.8 acres of land described below and depicted on map number 18509 which is made a part of this Order. The points of diversion remain in the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and the NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 11, Township 32 North, Range 2 West of the 6<sup>th</sup> P.M. in Knox County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 3.40 cfs (1526 gallons per minute) from all points of diversion.

Township 32 North, Range 2 West of the 6 <sup>th</sup> P.M. in Knox County		Acres
Section 11:	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	19.2
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	4.6
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	5.2
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	7.4
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	32.7
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	36.1
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	33.0
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	30.6
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	36.4
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	32.6
	TOTAL	237.8

3. All terms and conditions of appropriation A-18660 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

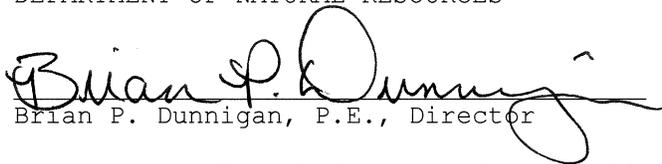
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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 28, 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 18509 were provided to the Department's field office in Norfolk, Nebraska. Copies of the field investigation report, this Order and map number 18509 were mailed on May 28, 2013, to the following:

Richard and Nancy Wortmann  
55026 892<sup>nd</sup> Way  
Crofton, Nebraska 68730