

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-5093

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-5093 is held by Vernon A. and Diane S. Pospisil and Jerry A. and Diane R. Pospisil.
2. A search of the records of the Knox County Register of Deeds indicates the land appurtenant to appropriation A-5093 includes the names of owners that are different than the owners listed in Department records. These individuals are Michael J. and Lucille G. Rudloff.
3. Appropriation A-5093 has a priority date of December 1, 1952, and authorizes the use of water for irrigation of the 71 acres of land described below. The water may be diverted from Bazile Creek at points of diversion located on the north and west banks of the stream in the E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 16, Township 29 North, Range 5 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 140 acres irrigated at a maximum combined rate of 0.51 cfs from all points of diversion.

Township 29 North, Range 5 West of the 6 <sup>th</sup> P.M. in Knox County		Acres
Section 16:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	22
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	18
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>31</u>
	TOTAL	71

4. On September 5, 2012, Vernon A. and Diane S. Pospisil filed a partial relinquishment of water appropriation A-5093, REL-2400, relinquishing the right to divert water under appropriation A-5093 to irrigate the 40 acres of land described below.

Township 29 North, Range 5 West of the 6 <sup>th</sup> P.M. in Knox County		Acres
Section 16:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	22
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>18</u>
	TOTAL	40

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-5093 at the rate of 0.29 cfs for use upon the land described below is CANCELLED.

<u>Township 29 North, Range 5 West of the 6<sup>th</sup> P.M. in Knox County</u>		<u>Acres</u>
Section 16: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>		22
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>		<u>18</u>
TOTAL		40

2. Appropriation A-5093 now authorizes the appropriator to divert water from Bazile Creek to irrigate the 31 acres of land described below and depicted on map number 18289 which is made a part of this Order. The points of diversion remain in the E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> of Section 16, Township 29 North, Range 5 West of the 6<sup>th</sup> P.M. in Knox County. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum combined rate of 0.22 cfs (99 gallons per minute) from all points of diversion.

<u>Township 29 North, Range 5 West of the 6<sup>th</sup> P.M. in Knox County</u>		<u>Acres</u>
Section 16: SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>		31

3. All terms and conditions of appropriation A-5093 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

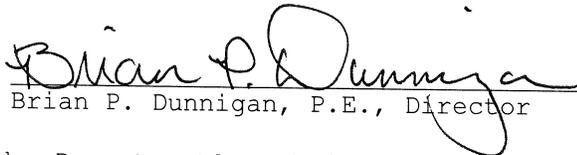
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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 5, 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 18289 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 18289 were mailed on October 5, 2012, to the following:

Vernon A. and Diane S. Pospisil  
87438 529<sup>th</sup> Avenue  
Winnetoon, Nebraska 68789

Michael J. and Lucille G. Rudloff  
87374 530 Avenue  
Creighton, Nebraska 68729-3945

Jerry A. and Diane R. Pospisil  
P.O. Box 134  
Creighton, Nebraska 68729