

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-15789

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15789 is held by Kenneth Ahrens.
2. The Department has received information that indicates Peggy Ahrens, wife of Kenneth Ahrens, may have a spousal interest in appropriation A-15789.
3. A review of the Department's records indicates a scrivener's error was made on the Order dated July 2, 1981, approving map number 13811 for appropriation A-15789. The location of diversion is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 11 North, Range 12 East of the 6th P.M. in Cass County; it was incorrectly listed as the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said legal description.
4. Appropriation A-15789 has a priority date of March 12, 1981, and authorizes the use of water for irrigation of the 214.4 acres of land described below. The water may be diverted from South Cedar Creek at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 11 North, Range 12 East of the 6th P.M. in Cass County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 3.06 cfs.

Township 11 North, Range 12 East of the 6 th P.M. in Cass County	Acres
Section 31: NW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	14.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38.7
NW $\frac{1}{4}$ NE $\frac{1}{4}$	36.9
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>10.0</u>
TOTAL	214.4

5. On June 20, 2014, Kenneth and Peggy Ahrens filed relinquishment REL-5096, relinquishing the right to divert water under a portion of appropriation A-15789 to irrigate the 40.3 acres of land described below.

<u>Township 11 North, Range 12 East of the</u>		<u>Township 11 North, Range 12 East of the</u>	
<u>6th P.M. in Cass County</u>		<u>6th P.M. in Cass County</u>	
	<u>Acres</u>		<u>Acres</u>
Section 31:	NW ¹ / ₄ NW ¹ / ₄	NW ¹ / ₄ NE ¹ / ₄	0.6
	NE ¹ / ₄ NW ¹ / ₄	SW ¹ / ₄ NE ¹ / ₄	1.2
	SW ¹ / ₄ NW ¹ / ₄	SE ¹ / ₄ NE ¹ / ₄	<u>5.2</u>
	SE ¹ / ₄ NW ¹ / ₄		
	14.1	TOTAL	40.3

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-15789 at the rate of 0.57 cfs for use upon the land described below is CANCELLED.

<u>Township 11 North, Range 12 East of the</u>	
<u>6th P.M. in Cass County</u>	
	<u>Acres</u>
Section 31:	NW ¹ / ₄ NW ¹ / ₄
	3.8
	NE ¹ / ₄ NW ¹ / ₄
	12.5
	SW ¹ / ₄ NW ¹ / ₄
	2.9
	SE ¹ / ₄ NW ¹ / ₄
	14.1
	NW ¹ / ₄ NE ¹ / ₄
	0.6
	SW ¹ / ₄ NE ¹ / ₄
	1.2
	SE ¹ / ₄ NE ¹ / ₄
	<u>5.2</u>
TOTAL	40.3

2. Appropriation A-15789 now authorizes the appropriator to divert water from South Cedar Creek to irrigate the 174.1 acres of land described below and depicted on map number 18891 which is made a part of this Order. The point of diversion remains in the SE¹/₄NW¹/₄ of Section 31, Township 11 North, Range 12 East of the 6th P.M. in Cass County, as depicted on map number 18891. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 2.49 cfs (1,118 gallons per minute).

<u>Township 11 North, Range 12 East of the</u>	
<u>6th P.M. in Cass County</u>	
	<u>Acres</u>
Section 31:	NW ¹ / ₄ NW ¹ / ₄
	33.2
	NE ¹ / ₄ NW ¹ / ₄
	24.5
	SW ¹ / ₄ NW ¹ / ₄
	11.1
	SE ¹ / ₄ NW ¹ / ₄
	24.6
	NW ¹ / ₄ NE ¹ / ₄
	36.3
	NE ¹ / ₄ NE ¹ / ₄
	1.5
	SW ¹ / ₄ NE ¹ / ₄
	38.1
	SE ¹ / ₄ NE ¹ / ₄
	<u>4.8</u>
TOTAL	174.1

3. All terms and conditions of appropriation A-15789 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

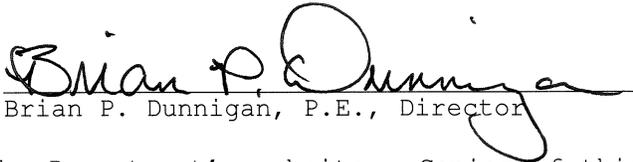
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

September 4, 2014


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 18891 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18891 were mailed on September 4, 2014, to the following:

Kenneth and Peggy Ahrens
10202 Hobscheidt Road
Weeping Water, Nebraska 68463