STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18898

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18898 is held by Evelyn Pierce, Philip R. Pierce and David L. Pierce.

2. Appropriation A-18898, with a priority date of March 22, 2012, authorizes the use of water for irrigation of the 8.5 acres of land described below. The water may be diverted from the Middle Branch of Verdigre Creek at points of diversion located in the SE¼SW¼ of Section 24 and the NE¼NW¼ of Section 25, both in Township 30 North, Range 08 West of the 6th 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 rate of 0.12 cfs.

Township 30 North, Range 08 West of the 6th P.M. in Knox County		Acres
Section 24:	NW¼SW¼	6.3
	SW¼SW¼	0.6
	SE¼SW¼	1.6
	TOTAL	8.5

3. The approval of appropriation A-18898 was conditional upon the irrigation of the above land by September 1, 2015.

4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18898 had not been irrigated by September 1, 2015.

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-18898 at the rate of 0.05 cfs for use upon the land described below is CANCELLED.

Township 30 North, Range 08 West of the 6th P.M. in Knox County		Acres
Section 24:	NW¼SW¼	2.3
	SW¼SW¼	0.3
	SE¼SW¼	1.0
	TOTAL	3.6

2. Appropriation A-18898 now permits the appropriator to divert water from the Middle Branch of Verdigre Creek to irrigate the 4.9 acres of land described below and depicted on map number 19367 which is made a part of this Order. The water may be diverted from the Middle Branch of Verdigre Creek at points of diversion located in the SE¼SW¼ of Section 24 and the NE¼NW¼ of Section 25, both in Township 30 North, Range 08 West of the 6th P.M. in Knox County, as depicted on map number 19367. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.07 cfs (31 gallons per minute) from both points of diversion.

Township 30 North, Range 08 West of the 6th P.M. in Knox County		Acres
Section 24:	NW¼SW¼	4.0
	SW¼SW¼	0.3
	SE¼SW¼	0.6
	TOTAL	4.9

3. All terms and conditions of appropriation A-18898 remain in effect unless specifically changed by this Order.

4. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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 29, 2015

Gordon W. Fassett

Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19367 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 19367 were mailed on October 29, 2015, to the following:

Philip R. Pierce
87746 516 Avenue
Verdigre, Nebraska 68783

David L. Pierce
87746 516 Avenue
Verdigre, Nebraska 68783

Evelyn A. Pierce
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Verdigre, Nebraska 68783