

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13814

AND APPROVAL OF MAP NUMBER 19606

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10, Township 08 North, Range 05 West of the 6th P.M. in Clay County appurtenant to appropriation A-13814 is owned by Bertha Griess.
2. Records on file in the Department show that land located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10, Township 08 North, Range 05 West of the 6th P.M. in Clay County appurtenant to appropriation A-13814 is owned by LeRoy and Inez Griess.
3. Records on file in the Department show that land located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10, Township 08 North, Range 05 West of the 6th P.M. in Clay County appurtenant to appropriation A-13814 is owned by Robert R. and Luella Griess.
4. The Department has received information that Bertha Griess is deceased.
5. A search of the records of the Clay County Register of Deeds indicates the land located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10, Township 08 North, Range 05 West of the 6th P.M. in Clay County appurtenant to appropriation A-13814 is owned by Michael P. George, William T. and Deborah A. George.
6. Appropriation A-13814 has a priority date of September 18, 1975, and authorizes the use of water for irrigation of the 310.0 acres of land described below. The water may be diverted from a tributary to School Creek at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 08 North, Range 05 West of the 6th P.M. in Clay 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 4.43 cfs.

<u>Township 08 North, Range 05 West of the 6th P.M. in Clay County</u>	<u>Acres</u>	<u>Township 08 North, Range 05 West of the 6th P.M. in Clay County</u>	<u>Acres</u>
Section 10: NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>37.0</u>
		TOTAL	310.0

7. On May 18, 2016, Robert R. and Luella Griess filed relinquishment REL-5665, relinquishing the right to divert water under a portion of appropriation A-13814 to irrigate the 187.5 acres of land described below.

<u>Township 08 North, Range 05 West of the 6th P.M. in Clay County</u>		<u>Township 08 North, Range 05 West of the 6th P.M. in Clay County</u>	
	Acres		Acres
Section 10: NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
		SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>29.5</u>
		TOTAL	187.5

8. On May 20, 2016, Leroy M. and Inez Griess filed relinquishment REL-5667, relinquishing the right to divert water under a portion of appropriation A-13814 to irrigate the 77.0 acres of land described below.

<u>Township 08 North, Range 05 West of the 6th P.M. in Clay County</u>		Acres
Section 10: NW $\frac{1}{4}$ SW $\frac{1}{4}$		39.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$		<u>38.0</u>
TOTAL		77.0

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-13814 at the rate of 3.78 cfs for use upon the land described below is CANCELLED.

<u>Township 08 North, Range 05 West of the 6th P.M. in Clay County</u>		<u>Township 08 North, Range 05 West of the 6th P.M. in Clay County</u>	
	Acres		Acres
Section 10: NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>29.5</u>
SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0	TOTAL	264.5

2. Appropriation A-13814 now authorizes the appropriator to divert water from a tributary to School Creek to irrigate the 45.5 acres of land described below and depicted on map number 19606 which is made a part of this Order. The point of diversion remains in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 08 North, Range 05 West of the 6th P.M. in Clay County, as depicted on map number 19606. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.65 cfs (292 gallons per minute).

<u>Township 08 North, Range 05 West of the 6th P.M. in Clay County</u>		Acres
Section 10: SW $\frac{1}{4}$ SE $\frac{1}{4}$		8.5
SE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>37.0</u>
TOTAL		45.5

3. All terms and conditions of appropriation A-13814 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, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

August 23, 2016



 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 19606 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19606 were mailed on August 23, 2016, to the following:

LeRoy M. and Inez Griess
 P.O. Box 29
 Sutton, Nebraska 68979

Michael P. George
 220 Road 323
 Sutton, Nebraska 68979

Robert R. and Luella Griess
 203 West Beech Street
 Sutton, Nebraska 68979

William T. and Deborah A. George
 410 North Euclid Avenue
 Sutton, Nebraska 68979