STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18866

AND APPROVAL OF MAP NUMBER 19447

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18866 is held by Donald C. Schuller and Carol J. Grummert.

2. Appropriation A-18866, with a priority date of January 23, 2012, authorizes the use of water for irrigation of the 137.0 acres of land described below. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the SW¼SE¼ of Section 35, Township 02 North, Range 07 East of the 6th P.M. in Gage 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 1.96 cfs.

Township 02 North, Range 07 East of the 6th P.M. in Gage County		Acres
Section 35:	NE¼SW¼	24.9
	SE¼SW¼	3.5
	NW¼SE¼	30.4
	NE¼SE¼	31.7
	SW¼SE¼	20.0
	SE¼SE¼	26.5
	TOTAL	137.0

3. The approval of appropriation A-18866 was conditional upon the irrigation of the above lands by September 1, 2015.

4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18866 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-18866 at the rate of 0.52 cfs for use upon the land described below is CANCELLED.

Township 02 North, Range 07 East of the 6th P.M. in Gage County		Acres
Section 35:	NE¼SW¼	24.9
	SE¼SW¼	3.5
	NW¼SE¼	8.2
	TOTAL	36.6

2. Appropriation A-18866 now permits the appropriator to divert water from the Big Blue River to irrigate the 100.4 acres of land described below and depicted on map number 19447 which is made a part of this Order. The water may be diverted from the Big Blue River and the point of diversion remains on the left bank of the stream in the SW¼SE¼ of Section 35, Township 02 North, Range 07 East of the 6th P.M. in Gage County, as depicted on map number 19447. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.44 cfs (646 gallons per minute).

Township 02 North, Range 07 East of the 6th P.M. in Gage County		Acres
Section 35:	NW¼SE¼	22.2
	NE¼SE¼	31.7
	SW¼SE¼	20.0
	SE¼SE¼	26.5
	TOTAL	100.4

3. All terms and conditions of appropriation A-18866 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

February 18, 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 19447 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 19447 were mailed on February 18, 2016, to the following:

Donald C. Schuller
9415 East Sage Road
Wymore, Nebraska 68466

Carol J. Grummert
c/o Donald C. Schuller
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Wymore, Nebraska 68466