STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19001

AND APPROVAL OF MAP NUMBER 19487

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19001 is held by Nicholas B. Murdoch.

2. Appropriation A-19001, with a priority date of December 26, 2012, authorizes the use of water for irrigation of the 75.1 acres of land described below. The water may be diverted from Weeping Water Creek at points of diversion located on the left bank of the stream in the NE¼SW¼ and SE¼SW¼ of Section 06, Township 10 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 combined rate of 1.07 cfs from all points of diversion.

Township 10 North, Range 12 East of the 6th P.M. in Cass County		Acres
Section 06:	NW¼SW¼	22.3
	NE¼SW¼	15.3
	SW¼SW¼	19.8
	SE¼SW¼	17.7
	TOTAL	75.1

3. The approval of appropriation A-19001 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-19001 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-19001 at the rate of 0.70 cfs for use upon the land described below is CANCELLED.

Township 10 North, Range 12 East of the 6th P.M. in Cass County		Acres
Section 06:	NW¼SW¼	9.7
	NE¼SW¼	1.7
	SW¼SW¼	19.8
	SE¼SW¼	17.7
	TOTAL	48.9

2. Appropriation A-19001 now permits the appropriator to divert water from Weeping Water Creek to irrigate the 26.2 acres of land described below and depicted on map number 19487 which is made a part of this Order. The water may be diverted from Weeping Water Creek and the points of diversion remain on the left bank of the stream in the NE¼SW¼ and SE¼SW¼ of Section 06, Township 10 North, Range 12 East of the 6th P.M. in Cass County, as depicted on map number 19487. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.37 cfs (166 gallons per minute) from all points of diversion.

Township 10 North, Range 12 East of the 6th P.M. in Cass County		Acres
Section 06:	NW¼SW¼	12.6
	NE¼SW¼	13.6
	TOTAL	26.2

3. All terms and conditions of the approval of appropriation A-19001 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

April 6, 2016

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 19487 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 19487 were mailed on April 6, 2016, to the following:

Nicholas B. Murdoch
3903 54th Street
Nehawka, Nebraska 68413