

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER RESCINDING ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18567

WATER DIVISION 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18567 is held by John A. and Nicole Shalla.
2. On September 13, 2011, the Department issued an Order of cancellation in part for portions of appropriation A-18567 not put to beneficial use by the time specified in the original application approval Order. This Order cancelled 0.6 cubic foot per second (cfs) for irrigation of 3.9 acres located in the NW $\frac{1}{4}$ of Section 3, Township 1 North, Range 6 East of the 6th P.M. in Gage County.
3. The Department has received information from the appropriator that the land cancelled in the order dated September 13, 2011, was irrigated and should not be cancelled.

Order

IT IS HEREBY ORDERED:

1. The Order of cancellation in part of appropriation A-18567 issued by the Department on September 13, 2011, is RESCINDED.
2. Appropriation A-18567 in the amount of 1.03 cfs (462 gallons per minute) from the Big Blue River to irrigate the 71.9 acres of land described below and depicted on map number 17189 which is made a part of this Order, shall remain in FULL FORCE AND EFFECT. The points of diversion remain in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 1 North, Range 6 East of the 6th P.M. in Gage County.

<u>Township 1 North, Range 6 East of the</u>		
<u>6th P.M. in Gage County</u>		<u>Acres</u>
Section 3:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	24.2
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	22.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	13.3
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>11.9</u>
	TOTAL	71.9

3. All terms and conditions of appropriation A-18567 remain in effect unless specifically changed by this Order.

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

November 18, 2011


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 17189 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17189 were mailed on November 18, 2011, to the following:

John A. and Nicole Shalla
813 West Spruce Road
Wymore, Nebraska 68466