

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18727

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18727 is held by the Lower Big Blue Natural Resources District.
2. Appropriation A-18727, with a priority date of November 30, 2010, and authorizes the use of 104.75 acre-feet of water from Big Indian Creek Reservoir 3-A, storage appropriation A-10505, for irrigation of the 107.9 acres of land described below. The water may be diverted, at a point of diversion located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 1 North, Range 6 East of the 6th P.M. in Gage County.

Township 1 North, Range 6 East of the 6 th P.M. in Gage County		Acres
Section 5:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	29.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.1
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	19.1
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>25.9</u>
TOTAL		107.9

3. The approval of appropriation A-18727 was conditional upon the irrigation of the above lands by September 1, 2013.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18727 had not been irrigated by September 1, 2013.
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-18727 for use upon the land described below is CANCELLED.

Township 1 North, Range 6 East of the
6th P.M. in Gage County

Section 5:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.6
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>3.4</u>
	TOTAL	11.4

2. Appropriation A-18727 now permits the appropriator the use of 104.75 acre-feet of water annually from Big Indian Creek Reservoir 3-A, storage appropriation A-10505, from a pump site located SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 1 North, Range 6 East of the 6th P.M. in Gage County, to irrigate the 96.5 acres of land described below and depicted on map number 18812 which is made a part of this Order.

Township 1 North, Range 6 East of the
6th P.M. in Gage County

Section 5:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	26.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30.6
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>22.5</u>
	TOTAL	96.5

3. All terms and conditions of appropriation A-19727 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is 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.

DEPARTMENT OF NATURAL RESOURCES

March 11, 2014


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 18812 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 18812 were mailed on March 11, 2014, to the following:

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