

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13334

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Robert H. and Beverly H. Seitz own land located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 18 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 19, both in Township 3 North, Range 7 East of the 6th P.M. in Gage County appurtenant to appropriation A-13334.
2. Records on file in the Department show that Beatrice Concrete Company, Inc., owns land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 3 North, Range 7 East of the 6th P.M. in Gage County appurtenant to appropriation A-13334.
3. Appropriation A-13334 has a priority date of December 27, 1974, and authorizes the use of water for irrigation of the 141 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 SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 3 North, Range 7 East of the 6th P.M. in Gage County. The rate that water may be diverted shall not exceed 2.01 cubic foot per second (cfs).

Township 3 North, Range 7 East of the 6 th P.M. in Gage County	Acres
Section 18: SW $\frac{1}{4}$ SW $\frac{1}{4}$	15
SE $\frac{1}{4}$ SW $\frac{1}{4}$	19
SW $\frac{1}{4}$ SE $\frac{1}{4}$	30
Section 19: NW $\frac{1}{4}$ NW $\frac{1}{4}$	37
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
TOTAL	141

4. On July 11, 2012, Beatrice Concrete Company, Inc., filed a partial relinquishment of water appropriation A-13334, REL-2367, relinquishing the right to divert water under appropriation A-13334 to irrigate the 30 acres of land described below.

Township 3 North, Range 7 East of the 6 th P.M. in Gage County	Acres
Section 18: SW $\frac{1}{4}$ SE $\frac{1}{4}$	30

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 6, 2012


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 18264 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18264 were mailed on August 6, 2012, to the following:

Robert H. and Beverly H. Seitz
2307 East Locust Road
Beatrice, Nebraska 68310

Beatrice Concrete Company, Inc.
400 Scott Street
Beatrice, Nebraska 68310