

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18501

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18501 is held by Reinsch Farms, Inc.
2. Appropriation A-18501, with a priority date of April 10, 2007, authorizes the use of water for irrigation of the 61.8 acres of land described below. The water may be diverted from Reinsch Reservoir at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 7 North, Range 2 West of the 6th P.M. in Fillmore County. The amount of water diverted shall not exceed 40 acre-feet per year.

Township 7 North, Range 2 West of the 6 th P.M. in Fillmore County		Acres
Section 7:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	27.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.0</u>
	TOTAL	61.8

3. The approval of appropriation A-18501 was conditional upon the irrigation of the above lands by September 1, 2010.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18501 had not been irrigated by September 1, 2010.
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-18501 for use upon the land described below is CANCELLED.

Township 7 North, Range 2 West of the
6th P.M. in Fillmore County Acres

Section 7:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.7
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.0</u>
	TOTAL	18.2

2. Appropriation A-18501 now permits the appropriator to divert water from Reinsch Reservoir to irrigate the 43.6 acres of land described below and depicted on map number 17900 which is made a part of this Order. The point of diversion remains in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 7 North, Range 2 West of the 6th P.M. in Fillmore County. The amount of water diverted shall not exceed 40 acre-feet per year.

Township 7 North, Range 2 West of the
6th P.M. in Fillmore County Acres

Section 7:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	24.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.6</u>
	TOTAL	43.6

3. All terms and conditions of appropriation A-18501 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

July 22, 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 17900 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 17900 were mailed on July 22, 2011, to the following:

James Reinsch
Reinsch Farms, Inc.
5506 Wild Rose Lane
Sioux City, Iowa 51106