

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13728

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13728 is held by David and Carol Potts.
2. Appropriation A-13728 has a priority date of August 12, 1975, and authorizes the use of water for irrigation of the 187.0 acres of land described below. The water may be diverted from Pearl Creek at points of diversion located on both banks of the stream in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 26 and in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 35, all in Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar 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 2.67 cfs from all points of diversion.

<u>Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County</u>	<u>Acres</u>	<u>Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County</u>	<u>Acres</u>
Section 26: SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	28.0	Section 35: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	26.0
		NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>30.0</u>
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	27.0		
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	19.0	TOTAL	187.0
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	22.0		
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	35.0		

3. On March 6, 2015, David and Carol Potts filed relinquishment REL-5318, relinquishing the right to divert water under a portion of appropriation A-13728 to irrigate the 179.9 acres of land described below.

<u>Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County</u>	<u>Acres</u>	<u>Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County</u>	<u>Acres</u>
Section 26: SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	28.0	Section 35: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	25.0
		NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>27.8</u>
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	27.0		
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	19.0	TOTAL	179.9
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	20.8		
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	32.3		

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-13728 at the rate of 2.57 cfs for use upon the land described below is CANCELLED.

<u>Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County</u>	<u>Acres</u>	<u>Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County</u>	<u>Acres</u>
Section 26: SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	28.0	Section 35: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	25.0
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	27.0	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>27.8</u>
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	19.0	TOTAL	179.9
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	20.8		
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	32.3		

2. Appropriation A-13728 now authorizes the appropriator to divert water from Pearl Creek to irrigate the 7.1 acres of land described below and depicted on map number 19258 which is made a part of this Order. The points of diversion remain in the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 26 and the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 35, both in Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County, as depicted on map number 19258. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.10 cfs (45 gallons per minute) from both points of diversion.

<u>Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County</u>	<u>Acres</u>	<u>Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County</u>	<u>Acres</u>
Section 26: SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	1.2	Section 35: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	1.0
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	2.7	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>2.2</u>
		TOTAL	7.1

3. All terms and conditions of appropriation A-13728 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

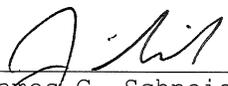
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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.

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

May 27, 2015

  
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James C. Schneider, Ph.D.  
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19258 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 19258 were mailed on May 27, 2015, to the following:

David and Carol Potts  
87708 562<sup>nd</sup> Avenue  
Hartington, Nebraska 68739