

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18679

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18679 is held by Robert Brummels.
2. A search of the records of the Cedar County Register of Deeds indicates the land appurtenant to appropriation A-18679 includes the name of an owner that is different than the owner listed in Department records. This individual is Katherine R. Brummels.
3. Appropriation A-18679, with a priority date of October 19, 2009, authorizes the use of water for irrigation of the 229.4 acres of land described below. The water may be diverted from Pearl Creek at a point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 30 North, Range 1 East of the 6th 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 rate of 3.28 cfs.

Township 30 North, Range 1 East of the 6 th P.M. in Cedar County		Acres
Section 34:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.1
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.6
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>35.2</u>
	TOTAL	229.4

4. The approval of appropriation A-18679 was conditional upon the irrigation of the above lands by September 1, 2012.
5. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18679 had not been irrigated by September 1, 2012.
6. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18679 at the rate of 1.32 cfs for use upon the land described below is CANCELLED.

<u>Township 30 North, Range 1 East of the</u>		
<u>6th P.M. in Cedar County</u>		<u>Acres</u>
Section 34:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.7
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.6
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>35.2</u>
	TOTAL	92.5

2. Appropriation A-18679 now permits the appropriator to divert water from Pearl Creek to irrigate the 136.9 acres of land described below and depicted on map number 19129 which is made a part of this Order. The water may be diverted from Pearl Creek 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 34, Township 30 North, Range 1 East of the 6th P.M. in Cedar County, as depicted on map number 19129. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.96 cfs (880 gallons per minute).

<u>Township 30 North, Range 1 East of the</u>		
<u>6th P.M. in Cedar County</u>		<u>Acres</u>
Section 34:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	34.4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	34.2
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>33.9</u>
	TOTAL	136.9

3. All terms and conditions of appropriation A-18679 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

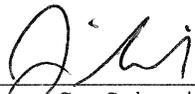
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

June 26, 2015



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 19129 were provided to the Department's field office in Norfolk, Nebraska. Copies of the field investigation, this Order and map number 19129 were mailed on June 26, 2015, to the following:

Robert and Katherine R. Brummels
56849 876 Road
Coleridge, Nebraska 68727

Gilbert and Lois Brummels
114 North Portland Street
Coleridge, Nebraska 68727