

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14823

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) shows that a portion of land located in the  $W\frac{1}{2}NW\frac{1}{4}$  and  $SW\frac{1}{4}$  of Section 25, Township 31 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County appurtenant to surface water appropriation A-14823 is owned by Rodney Bartos.
2. Records on file in the Department shows that a portion of land located in the  $NE\frac{1}{4}NW\frac{1}{4}$  of Section 36, Township 31 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County appurtenant to surface water appropriation A-14823 is owned by Patrick D. Kavanaugh.
3. Appropriation A-14823 has a priority date of March 18, 1977, and authorizes the use of water for irrigation of the 177 acres of land described below. The water may be diverted from Frank Bartos Reservoir (storage appropriation A-14822) at a point of diversion located in the  $NW\frac{1}{4}SW\frac{1}{4}$  of Section 25, Township 31 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County. The amount of water diverted from said reservoir shall not exceed 5.6 acre-feet per annum.

Township 31 North, Range 8 West of the 6 <sup>th</sup> P.M. in Knox County	Acres
Section 25: $NW\frac{1}{4}NW\frac{1}{4}$	38
$SW\frac{1}{4}NW\frac{1}{4}$	29
$NW\frac{1}{4}SW\frac{1}{4}$	2
$SW\frac{1}{4}SW\frac{1}{4}$	34
$SE\frac{1}{4}SW\frac{1}{4}$	35
Section 36: $NE\frac{1}{4}NW\frac{1}{4}$	39
TOTAL	177

4. On December 22, 2014, Patrick D. Kavanaugh filed relinquishment REL-5263, relinquishing the right to divert water under a portion of appropriation A-14823 to irrigate the 39 acres of land described below.

Township 31 North, Range 8 West of the 6 <sup>th</sup> P.M. in Knox County	Acres
Section 36: $NE\frac{1}{4}NW\frac{1}{4}$	39

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-14823 for use upon the land described below is CANCELLED.

Township 31 North, Range 8 West of the  
6<sup>th</sup> P.M. in Knox County Acres

Section 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$  39

2. Appropriation A-14823 now authorizes the appropriator to divert water from Frank Bartos Reservoir (storage appropriation A-14822) to irrigate the 138 acres of land described below and depicted on map number 19142 which is made a part of this Order. The point of diversion remains in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 25, Township 31 North, Range 8 West of the 6<sup>th</sup> P.M. in Knox County, as depicted on map number 19142. The amount of water diverted from said reservoir shall not exceed 5.6 acre-feet per annum.

Township 31 North, Range 8 West of the  
6<sup>th</sup> P.M. in Knox County Acres

Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$  38  
SW $\frac{1}{4}$ NW $\frac{1}{4}$  29

NW $\frac{1}{4}$ SW $\frac{1}{4}$  2  
SW $\frac{1}{4}$ SW $\frac{1}{4}$  34  
SE $\frac{1}{4}$ SW $\frac{1}{4}$  35

TOTAL 138

3. All terms and conditions of appropriation A-14823 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

January 13, 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 19142 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19142 were mailed on January 13, 2015, to the following:

Patrick D. Kavanaugh  
P.O. Box 533  
Randolph, Nebraska 68771

Rodney Bartos  
509 7<sup>th</sup> Avenue  
Verdigre, Nebraska 68783