

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18793

AND APPROVAL OF MAP NUMBER 19497

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18793 is held by Alan Stukenholtz and Betty Stukenholtz.
2. Appropriation A-18793, with a priority date of June 23, 2011, authorizes the use of water for irrigation of the 148.4 acres of land described below. The water may be diverted from Rock Creek at a point of diversion located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 07 North, Range 14 East of the 6th P.M. in Otoe 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 2.12 cfs.

Township 07 North, Range 14 East of the 6 th P.M. in Otoe County		Acres
Section 32:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	36.1
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.1
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40.1</u>
	TOTAL	148.4

3. The approval of appropriation A-18793 was conditional upon the irrigation of the above land by September 1, 2014.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18793 had not been irrigated by September 1, 2014.
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-18793 at the rate of 0.31 cfs for use upon the land described below is CANCELLED.

<u>Township 07 North, Range 14 East of the 6th P.M. in Otoe County</u>		<u>Acres</u>
Section 32:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.2
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.8
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	9.2
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.8</u>
	TOTAL	22.0

2. Appropriation A-18793 now permits the appropriator to divert water from Rock Creek to irrigate the 126.4 acres of land described below and depicted on map number 19497 which is made a part of this Order. The water may be diverted from Rock Creek and the point of diversion remains in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 07 North, Range 14 East of the 6th P.M. in Otoe County, as depicted on map number 19497. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.81 cfs (812 gallons per minute).

<u>Township 07 North, Range 14 East of the 6th P.M. in Otoe County</u>		<u>Acres</u>
Section 32:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	28.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.3
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	29.9
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>34.3</u>
	TOTAL	126.4

3. All terms and conditions of the approval of appropriation A-18793 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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

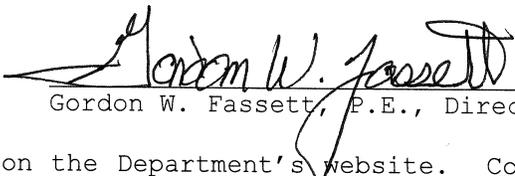
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

April 6, 2016


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19497 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 19497 were mailed on April 6, 2016, to the following:

Alan Stukenholtz
6284 R Road
Nebraska City, Nebraska 68410

Betty Stukenholtz
6294 R Road
Nebraska City, Nebraska 68410