

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-11884

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11884 is appurtenant to two parcels held separately. The owners of the two parcels under appropriation A-11884 are Thomas E. and Deanna K. Priefert; and Terrel R. and Jill J. Hanshew.
2. Appropriation A-11884 has a priority date of March 3, 1970, and authorizes the use of water for irrigation of the 46.0 acres of land described below. The water may be diverted from Wagon Tongue Creek at points of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 12 North, Range 5 East of the 6th P.M. in Lancaster County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.66 cfs from all points of diversion.

Township 12 North, Range 5 East of the 6 th P.M. in Lancaster County		Acres
Section 10:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33.5
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>12.5</u>
	TOTAL	46.0

3. Thomas E. and Deanna K. Priefert filed a partial relinquishment of water appropriation A-11884, REL-2228, relinquishing the right to divert water under a portion of appropriation A-11884 to irrigate the 12.5 acres of land described below.

Township 12 North, Range 5 East of the 6 th P.M. in Lancaster County		Acres
Section 10:	SE $\frac{1}{4}$ NE $\frac{1}{4}$	12.5

IT IS HEREBY ORDERED:

1. Part of appropriation A-11884 at the rate of 0.18 cfs for use upon the land described below is CANCELLED.

Township 12 North, Range 5 East of the 6 th P.M. in Lancaster County		Acres
Section 10:	SE $\frac{1}{4}$ NE $\frac{1}{4}$	12.5

2. Appropriation A-11884 now authorizes the appropriator to divert water from Wagon Tongue Creek to irrigate the 33.5 acres of land described below and depicted on map number 18006 which is made a part of this Order. The points of diversion remain on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 12 North, Range 5 East of the 6th P.M. in Lancaster County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 0.48 cfs (215 gallons per minute) from all points of diversion.

Township 12 North, Range 5 East of the
6th P.M. in Lancaster County Acres

Section 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33.5

3. All terms and conditions of appropriation A-11884 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

January 19, 2012



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 18006 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18006 were mailed on January 19, 2012, to the following:

Thomas & Deanna Priefert
21909 NW 84th Street
Valparaiso, Nebraska 68065

Terrel R. & Jill J. Hanshew
22455 NW 84th Street
Valparaiso, Nebraska 68065