STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-8961

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8961 is held by Emil J. and Vicki L. Obermiller.

2. Appropriation A-8961 with a priority date of November 9, 1956, authorizes the use of water for irrigation of the 96.178 acres of land described below. The water may be diverted from the South Loup River at points of diversion located on the right bank of the stream in the E½SE¼ and the SE¼ of Section 9, Township 12 North, Range 14 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed 1.37 cubic feet per second (cfs) from all points of diversion.

Township 12 North, Range 14 West of the 6th P.M. in Buffalo County		Acres
Section 9:	NE¼SE¼	28.064
	SW¼SE¼	29.914
	SE¼SE¼	38.200
	TOTAL	96.178

3. The Department has received information concerning the use of surface water appropriation A-8961 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

4. On February 27, 2012, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-8961 had not been irrigated for at least five years:

Township 12 North, Range 14 West of the 6th P.M. in Buffalo County		Acres
Section 9:	NE¼SE¼	22.364
	SW¼SE¼	22.514
	SE¼SE¼	10.100
	TOTAL	54.978

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Emil J. and Vicki L. Obermiller, 610 Buffalo Lane, Ravenna, Nebraska 68869.

6. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-8961 at the rate of 0.78 cfs for use upon the land described below is CANCELLED.

Township 12 North, Range 14 West of the 6th P.M. in Buffalo County		Acres
Section 9:	NE¼SE¼	22.364
	SW¼SE¼	22.514
	SE¼SE¼	10.100
	TOTAL	54.978

2. Appropriation A-8961 now authorizes the appropriator to divert water from the South Loup River to irrigate the 41.2 acres of land described below and depicted on map number 18091 which is made a part of this Order. The points of diversion remain in the E½SE¼ and the SW¼SE¼ of Section 9, Township 12 North, Range 14 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 0.59 cfs (265 gallons per minute) from all points of diversion.

Township 12 North, Range 14 West of the 6th P.M. in Buffalo County		Acres
Section 9:	NE¼SE¼	5.7
	SW¼SE¼	7.4
	SE¼SE¼	28.1
	TOTAL	41.2

3. All terms and conditions of appropriation A-8961 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

April 17, 2012

Brian P. Dunnigan

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 18091 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18091 were mailed on April 17, 2012, to the following:

Emil J. and Vicki L. Obermiller
610 Buffalo Lane
Ravenna, Nebraska 68869