

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Water Appropriation)
 A-698R, a Permit to Divert Water) ORDER OF CANCELLATION
 from Pumpkinseed Creek) IN PART
 for Irrigation.)
 Water Division 1-A.)

This matter came on for consideration before the Director of the Department of Natural Resources (Department) pursuant to Department rule 457 N.A.C. 3. The Director FINDS:

1. Water appropriation A-698R, with a priority date of January 24, 1903, was approved to divert 5.52 cubic feet per second (cfs) of water from Pumpkinseed Creek at three diversion points for irrigation of 387 acres. The approved points of diversion are located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 19 North, Range 55 West of the 6th P.M. and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 19 North, Range 54 West of the 6th P.M., all in Banner County. According to Department records, part of this appropriation is held by Hoehn Farms Inc. and part is held jointly by the John K. Gifford Jr. Trust and SBE Land LLC, as shown below:

JOHN K. GIFFORD JR. TRUST
 AND SBE LAND LLC

Township 19 North, Range 55 West
 Banner County Acres

Section 1:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	24
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	31
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	32
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	34
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	30

Township 19 North, Range 54 West
 Banner County Acres

Section 6:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	35
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	22
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27

HOEHN FARMS INC.

Township 19 North, Range 54 West
Banner County Acres

Section 6:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	36
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>22</u>
	TOTAL	387

2. On June 7, 2006, a Conditional Relinquishment of Water Appropriation in Part was filed in the office of the Department by the John K. Gifford Jr. Trust and SBE Land LLC, relinquishing the right to divert water from Pumpkinseed Creek for use upon the following described land:

Township 19 North, Range 54 West
Banner County Acres

Section 6:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	29
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It is CONCLUDED that part of water appropriation A-698R is being abandoned and should be cancelled as provided under Department rule 457 N.A.C. 3.

It is therefore ORDERED:

1. Part of the water appropriation granted under A-698R to divert water from Pumpkinseed Creek in the amount of 0.41 cfs for use upon the following described lands, as shown on map number M-16791, is hereby CANCELLED:

Township 19 North, Range 54 West
Banner County Acres

Section 6:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	29
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2. Part of the water appropriation granted under A-698R to divert water from Pumpkinseed Creek in the amount of 5.11 cfs for use upon the following described lands shall remain IN FULL FORCE AND EFFECT:

Township 19 North, Range 55 West
Banner County Acres

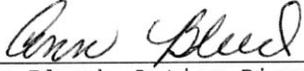
Section 1:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	24
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	31
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	32
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	34
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	30

Township 19 North, Range 54 West
Banner County

		Acres
Section 6:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	22
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	36
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>22</u>
	TOTAL	358

DEPARTMENT OF NATURAL RESOURCES

July 31, 2006


Ann Bleed, Acting Director

A copy of this Order and map number M-16791 were mailed on July 31, 2006, to John K. Gifford Jr. Trust, c/o John K. Gifford Jr. and Sherry K. Gifford, Trustees, 3293 Road 35, Harrisburg, Nebraska 69345; SBE Land LLC, c/o Craig Gifford, 13652 SW 14th Street, Roca, Nebraska 68430; Hoehn Farms Inc., c/o Leo J. Hoehn, 5550 Road 36, Harrisburg, Nebraska 69345; and provided to the Department's field office, Bridgeport, Nebraska.