

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-17433

CASE NUMBER 2014-5-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the SE $\frac{1}{4}$ of Section 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 11, all in Township 16 North Range 6 West of the 6th P.M. in Nance County appurtenant to surface water appropriation A-17433 is owned by Leatrice J. Knopik.
2. Records on file in the Department show that land located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 16 North Range 6 West of the 6th P.M. in Nance County appurtenant to surface water appropriation A-17433 is owned by Michael D. Rolf and Donald J. Rolf.
3. The Department has received information that indicates Sheri M. Rolf, wife of Donald J. Rolf, and Joni K. Rolf, wife of Michael D. Rolf, have a spousal interest in appropriation A-17433.
4. Appropriation A-17433 has a priority date of March 3, 1995, and authorizes the use of water for irrigation of the 191.0 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located on the north bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 16 North, Range 6 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 503 acres irrigated at a maximum rate of 0.39 cfs.

Township 16 North, Range 6 West of the 6 th P.M. in Nance County		Acres
Section 1:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2
Section 2:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	38
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	9
Section 11	NW $\frac{1}{4}$ NE $\frac{1}{4}$	20
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	13
	TOTAL	191

2. Appropriation A-17433 now authorizes the appropriator to divert water from the Cedar River to irrigate the 150.6 acres of land described below and depicted on map number 18754 which is made a part of this Order. The point of diversion remains in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 16 North, Range 6 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cfs for every 503 acres irrigated at a maximum rate of 0.31 cfs (139 gallons per minute) nor exceed 0.43 acre-feet per acre annually for the lands described below; nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 16 North, Range 6 West of the		
<u>6th P.M. in Nance County</u>		<u>Acres</u>
Section 1:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
Section 2:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	6.6
Section 11	NW $\frac{1}{4}$ NE $\frac{1}{4}$	20.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>13.0</u>
TOTAL		150.6

3. All terms and conditions of appropriation A-17433 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 8, 2014


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 18754 were provided to the Department's docket clerk and field office in Ord, Nebraska. Copies of this Order and map number 18754 were mailed on April 8, 2014, to the following:

Edward J. and Leatrice J. Knopik
914 7th Street
Fullerton, Nebraska 68638

Donald J. and Sheri M. Rolf
28278 State Highway 22
Fullerton, Nebraska 68638

Michael D. and Joni K. Rolf
49617 North 270th Road
Fullerton, Nebraska 68638