

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-17726

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17726 is held by Douglas A. Stunkel.
2. A review of the Department's records indicates two errors were made on the Order approving application A-17726 dated February 10, 2000.

This Order grants the appropriation of 0.78 cubic foot per second (cfs) for use upon 118 acres of land. Therefore, the maximum rate of diversion under A-17726 is one cubic foot per second (cfs) for every **151 acres**; not one cfs for every **787 acres**, as stated in the Order dated February 10, 2000.

The four acres of land authorized for irrigation under appropriation A-17726 is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of **Section 22** of Township 14 North, Range 14 West of the 6th P.M. in Sherman County as shown map number 15659; not in **Section 21**.

3. Appropriation A-17726 provides additional water to appropriation A-6875 through transfer T-722.
4. Appropriation A-17726 has a priority date of February 1, 1999, and authorizes the use of water for irrigation of the 118 acres of land described below. The water may be diverted from the Middle Loup River at a point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 14 North, Range 14 West of the 6th P.M. in Sherman County. Water diverted shall not exceed the ratio of one cfs (cfs) for every 151 acres irrigated at a maximum rate of 0.78 cfs. Total annual volume of water diverted may not exceed 0.15 acre-feet per acre irrigated and the least amount that can be beneficially used.

Township 14 North, Range 14 West of the 6 th P.M. in Sherman County		Acres
Section 16:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	17
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	24
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	37
Section 21:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	30
Section 22:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>4</u>
	TOTAL	118

5. On March 19, 2014, Douglas A. Stunkel filed relinquishment REL-4998, relinquishing the right to divert water under a portion of appropriation A-17726 to irrigate the 56 acres of land described below.

<u>Township 14 North, Range 14 West of the</u>		
<u>6th P.M. in Sherman County</u>		<u>Acres</u>
Section 16:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	16
Section 21:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	30
Section 22:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>4</u>
	TOTAL	56

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-17726 at the rate of 0.37 cfs for use upon the land described below is CANCELLED.

<u>Township 14 North, Range 14 West of the</u>		
<u>6th P.M. in Sherman County</u>		<u>Acres</u>
Section 16:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	16
Section 21:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	30
Section 22:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>4</u>
	TOTAL	56

2. Appropriation A-17726 now authorizes the appropriator to divert water from the Middle Loup River to irrigate the 62 acres of land described below and depicted on map number 18883 which is made a part of this Order. The point of diversion remains on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 14 North, Range 14 West of the 6th P.M. in Sherman County, as depicted on map number 18883. Water diverted shall not exceed the ratio of one cfs for every 151 acres irrigated at a maximum rate of 0.41 cfs (184 gallons per minute). Total annual volume of water diverted may not exceed 0.15 acre-feet per acre irrigated and the least amount that can be beneficially used.

<u>Township 14 North, Range 14 West of the</u>		
<u>6th P.M. in Sherman County</u>		<u>Acres</u>
Section 16:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	24
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>37</u>
	TOTAL	62

3. Appropriation A-17726 provides additional water to appropriation A-6875 through transfer T-722.
4. All terms and conditions of appropriation A-17726 remain in effect unless specifically changed by this Order.
5. 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.

DEPARTMENT OF NATURAL RESOURCES

June 20, 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 18883 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18883 were mailed on June 20, 2014, to the following:

Douglas A. Stunkel
P.O. Box 413
Ansley, Nebraska 68814