STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18726

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18726 is held by Daniel L. and Jeanette A. Shaw, and Darren L. and Megan M. Shaw.

2. Appropriation A-18726, with a priority date of November 15, 2010, authorizes the use of water for irrigation of the 134.3 acres of land described below. The water may be diverted from the Little Blue River at a point of diversion located in the NE¼SE¼ of Section 13, Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.92 cfs.

Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County		Acres
Section 13:	SW¼NE¼	14.6
	NW¼SE¼	39.9
	NE¼SE¼	19.6
	SW¼SE¼	25.2
	SE¼SE¼	35.0
	TOTAL	134.3

3. The approval of appropriation A-18726 was conditional upon the irrigation of the above lands by September 1, 2013.

4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18726 had not been irrigated by September 1, 2013.

5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18726 at the rate of 0.03 cfs for use upon the land described below is CANCELLED.

Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County		Acres
Section 13:	NE¼SE¼	2.1

2. Appropriation A-18726 now permits the appropriator to divert water to irrigate the 132.2 acres of land described below and depicted on map number 18859 which is made a part of this Order. The water may be diverted from the Little Blue River at a point of diversion located in the NE¼SE¼ of Section 13, Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.89 cfs (848 gallons per minute).

Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County		Acres
Section 13:	SW¼NE¼	14.6
	NW¼SE¼	39.9
	NE¼SE¼	17.5
	SW¼SE¼	25.2
	SE¼SE¼	35.0
	TOTAL	132.2

3. All terms and conditions of appropriation A-18726 remain in effect unless specifically changed by this Order.

4. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.

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.

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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

April 23, 2014

Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 18859 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 18859 were mailed on April 23, 2014, to the following:

Daniel L. and Jeanette A. Shaw
30460 Road Q
Edgar, Nebraska 68935

Darren L. and Megan M. Shaw
30371 Road Q
Edgar, Nebraska 68935