

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14911

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 33, Township 11 North, Range 13 East of the 6<sup>th</sup> P.M. in Cass County appurtenant to surface water appropriation A-14911 is owned by Don and Bonnie Schlichtemeier.
2. Records on file in the Department of Natural Resources (Department) show that land located in the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 33, Township 11 North, Range 13 East of the 6<sup>th</sup> P.M. in Cass County appurtenant to surface water appropriation A-14911 is owned by Brooklet Stock Farm, Ltd.
3. Appropriation A-14911 has a priority date of April 18, 1977, and authorizes the use of water for irrigation of the 135.5 acres of land described below. The water may be diverted from a tributary to Weeping Water Creek at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, Township 11 North, Range 13 East of the 6<sup>th</sup> P.M. in Cass 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 1.94 cfs.

Township 11 North, Range 13 East of the 6 <sup>th</sup> P.M. in Cass County	Acres
Section 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.5
SE $\frac{1}{4}$ SE $\frac{1}{4}$	28.0
TOTAL	135.5

4. On April 18, 2014, Dan and Bonnie Schlichtemeier filed relinquishment REL-5038, relinquishing the right to divert water under a portion of appropriation A-14911 to irrigate the 77.0 acres of land described below.

Township 11 North, Range 13 East of the 6 <sup>th</sup> P.M. in Cass County	Acres
Section 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
TOTAL	77.0

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-14911 at the rate of 1.1 cfs for use upon the land described below is CANCELLED.

<u>Township 11 North, Range 13 East of the 6<sup>th</sup> P.M. in Cass County</u>		<u>Acres</u>
Section 33:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>38.0</u>
	TOTAL	77.0

2. Appropriation A-14911 now authorizes the appropriator to divert water from a tributary to Weeping Water Creek to irrigate the 58.5 acres of land described below and depicted on Attachment A which is made a part of this Order. The point of diversion remains in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, Township 11 North, Range 13 East of the 6<sup>th</sup> P.M. in Cass County, as depicted on Attachment A. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.84 cfs (377 gallons per minute).

<u>Township 11 North, Range 13 East of the 6<sup>th</sup> P.M. in Cass County</u>		<u>Acres</u>
Section 33:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>28.0</u>
	TOTAL	58.5

3. All terms and conditions of appropriation A-14911 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

September 10, 2014

  
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and Attachment A were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and Attachment A were mailed on September 10, 2014, to the following:

Don and Bonnie Schlichtemeier  
3516 Hobscheidt Road  
Murray, Nebraska 68409

Brooklet Stock Farm, Ltd.  
c/o William Schlichtemeier  
2018 South 151<sup>st</sup> Street  
Omaha, Nebraska 68144