STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-1988

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the SE¼SE¼ of Section 33, Township 9 North and a portion of land located in the NW¼ of Section 4, Township 8 North, both in Range 18 West of the 6th P.M. in Buffalo County appurtenant to surface water appropriation A-1988 is owned by Marvion E. and Janet L. Reichert, Jr.

2. Records on file in the Department show that a portion of land located in the NW¼ of Section 4, Township 8 North, Range 18 West of the 6th P.M. in Buffalo County appurtenant to surface water appropriation A-1988 is owned by the Dawson Public Power District.

3. Appropriation A-1988 has a priority date of March 5, 1928, and authorizes the use of water for irrigation of the 155.00 acres of land described below. The water may be diverted from Buffalo Creek at points of diversion located on the right bank of the stream in the N½NW¼ of Section 4, Township 8 North, Range 18 West of the 6th P.M. in Buffalo County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 2.22 cfs from both points of diversion.

Township 9 North, Range 18 West of the 6th P.M. in Buffalo County		Acres
Section 33:	SE¼SE¼	6.81

Township 8 North, Range 18 West of the 6th P.M. in Buffalo County		Acres
Section 4:	NW¼NW¼	38.00
	NE¼NW¼	37.00
	SW¼NW¼	35.59
	SE¼NW¼	37.60
	TOTAL	155.00

4. On July 17, 2014, Gwen Kautz, on behalf of Dawson Public Power District, filed relinquishment REL-5112, relinquishing the right to divert water under a portion of appropriation A-1988 to irrigate the 0.8 acres of land described below.

Township 8 North, Range 18 West of the 6th P.M. in Buffalo County		Acres
Section 4:	SW¼NW¼	0.8

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-1988 at the rate of 0.01 cfs for use upon the land described below is CANCELLED.

Township 8 North, Range 18 West of the 6th P.M. in Buffalo County		Acres
Section 4:	SW¼NW¼	0.8

2. Appropriation A-1988 now authorizes the appropriator to divert water from Buffalo Creek to irrigate the 154.2 acres of land described below and depicted on map number 18940 which is made a part of this Order. The points of diversion remain in Buffalo Creek located on the right bank of the stream in the N½NW¼ of Section 4, Township 8 North, Range 18 West of the 6th P.M. in Buffalo County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 2.21 cfs (992 gallons per minute) from both points of diversion.

Township 9 North, Range 18 West of the 6th P.M. in Buffalo County		Acres
Section 33:	SE¼SE¼	6.8

Township 8 North, Range 18 West of the 6th P.M. in Buffalo County		Acres
Section 4:	NW¼NW¼	38.0
	NE¼NW¼	37.0
	SW¼NW¼	34.8
	SE¼NW¼	37.6
	TOTAL	154.2

3. All terms and conditions of appropriation A-1988 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

August 19, 2014

Brian P. Dunnigan

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 18940 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 18940 were mailed on August 19, 2014, to the following:

Marvion E. & Janet L. Reichert, Jr.
P.O. Box 391
Elm Creek, Nebraska 68836

Gwen Kautz
Dawson Public Power District
P.O. Box 777
Lexington, Nebraska 68850