

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-7852

CASE NUMBER 2014-15-PD-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-7852 is held by David G. Aksamit and Julie A. Aksamit.
2. Appropriation A-7852 with a priority date of August 1, 1955, authorizes the use of water for irrigation of the 90.0 acres of land described below. The water may be diverted from Swan Creek at points of diversion located on both banks of the stream in the NW $\frac{1}{4}$  of Section 24, and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, both in Township 5 North, Range 3 East of the 6<sup>th</sup> P.M. in Saline County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.64 cfs from all points of diversion.

Township 5 North, Range 3 East of the 6 <sup>th</sup> P.M. in Saline County	Acres
Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>35.0</u>
TOTAL	90.0

3. The Department has received information concerning the use of surface water appropriation A-7852 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.
4. On April 23, 2014, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-7852 had not been irrigated for at least five years:

Township 5 North, Range 3 East of the 6 <sup>th</sup> P.M. in Saline County	Acres
Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$	32.2
NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>18.0</u>
TOTAL	50.2



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 11, 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 18867 were provided to the Department's docket clerk and field office in Lincoln, Nebraska. Copies of this Order and map number 18867 were mailed on September 11, 2014, to the following:

Julie A. Aksamit  
 3901 South 27<sup>th</sup> Street Unit 17  
 Lincoln, Nebraska 68502

David G. Aksamit  
 26807 North 21<sup>st</sup> Drive  
 Phoenix, Arizona 85085-8722