

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13080

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13080 is held by the Stuart T. and LaVera Y. Schlichtemeier Trust.
2. Appropriation A-13080 has a priority date of July 16, 1974, and authorizes the use of water for irrigation of the 100.0 acres of land described below. The water may be diverted from Tyson Creek (a tributary to Weeping Water Creek) at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 10 North, Range 13 East of the 6th 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 1.43 cfs.

<u>Township 10 North, Range 13 East of the</u>		
<u>6th P.M. in Cass County</u>		<u>Acres</u>
Section 4:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>40.0</u>
	TOTAL	100.0

3. On December 11, 2014, LaVera Y. Schlichtemeier, on behalf of the Stuart T. and LaVera Y. Schlichtemeier Trust filed in the Department relinquishment REL-5257, relinquishing the right to divert water under a portion of appropriation A-13080 to irrigate the 19.7 acres of land described below.

<u>Township 10 North, Range 13 East of the</u>		
<u>6th P.M. in Cass County</u>		<u>Acres</u>
Section 4:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.6
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.9</u>
	TOTAL	19.7

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-13080 at the rate of 0.28 cfs for use upon the land described below is CANCELLED.

<u>Township 10 North, Range 13 East of the</u>		
<u>6th P.M. in Cass County</u>		<u>Acres</u>
Section 4:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.6
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.9</u>
	TOTAL	19.7

2. Appropriation A-13080 now authorizes the appropriator to divert water from Schlichtemeier Reservoir No. 2 to irrigate the 80.3 acres of land described below and depicted on map number 18934 which is made a part of this Order. The point of diversion remains in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 10 North, Range 13 East of the 6th P.M. in Cass County, as depicted on map number 18934. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.15 cfs.

<u>Township 10 North, Range 13 East of the</u>		
<u>6th P.M. in Cass County</u>		<u>Acres</u>
Section 4:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	18.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	29.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>32.1</u>
	TOTAL	80.3

3. Appropriation A-13902 provides supplemental water to land authorized for irrigation under appropriation A-13080.
4. All terms and conditions of appropriation A-13080 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

January 22, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18934 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18934 were mailed on January 22, 2015, to the following:

LaVera Y. Schlichtemeier
Stuart T. and LaVera Y. Schlichtemeier Trust
3210 Hobscheidt Road
Murray, Nebraska 68409

Don Schlichtemeier
3516 Hobscheidt Road
Murray, Nebraska 68409