

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART,

APPROVAL OF EXPEDITED TRANSFER EXT-4992 AND MAP NUMBER 18880

FOR WATER APPROPRIATION A-13998

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13998 is held by R & P Baxter Land, LLC.
2. Appropriation A-13998 has a priority date of February 6, 1976, and authorizes the use of water for irrigation of the 123.6 acres of land described below. The water may be diverted from a tributary to Weeping Water Creek at points of diversion located on both banks of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 09, Township 10 North, Range 11 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 combined rate of 1.77 cfs from all points of diversion.

Township 10 North, Range 11 East of the 6 th P.M. in Cass County	Acres	Township 10 North, Range 11 East of the 6 th P.M. in Cass County	Acres
Section 04: SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.6	Section 09: NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	21.1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35.2
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.4
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>39.3</u>
		TOTAL	123.6

3. On March 30, 2014, Ronald D. Baxter, on behalf of R & P Baxter Land, LLC, filed application EXT-4992 for a permit for an expedited transfer of the location of use for 71.7 of the 123.6 acres under surface water appropriation A-13998.
4. On December 1, 2015, Ronald D. Baxter filed map number 18880 showing the land proposed to be irrigated under appropriation A-13998 through transfer EXT-4992.

5. On March 30, 2014, Ronald D. Baxter, on behalf of R & P Baxter Land, LLC, filed REL-4994 relinquishing a portion of the water under appropriation A-13998, for use on the land described below.

<u>Township 10 North, Range 11 East of the 6th P.M. in Cass County</u>	<u>Acres</u>	<u>Township 10 North, Range 11 East of the 6th P.M. in Cass County</u>	<u>Acres</u>
Section 04: SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.6	Section 09: NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	21.1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.5
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.2
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>1.5</u>
		TOTAL	51.9

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-13998 at the rate of 0.74 cfs is CANCELLED for use on the land described below.

<u>Township 10 North, Range 11 East of the 6th P.M. in Cass County</u>	<u>Acres</u>	<u>Township 10 North, Range 11 East of the 6th P.M. in Cass County</u>	<u>Acres</u>
Section 04: SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.6	Section 09: NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	21.1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.5
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.2
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>1.5</u>
		TOTAL	51.9

2. Application EXT-4992 for a permit for an expedited transfer of the location of use and map number 18880 are APPROVED.
3. Appropriation A-13998 through transfer EXT-4992 authorizes the use of water to irrigate 71.7 acres of land described below and depicted on map number 18880, which is made a part of this Order. The water may be diverted from a tributary to Weeping Water Creek at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 09, Township 10 North, Range 11 East of the 6th P.M. in Cass County, as depicted on map number 18880. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.03 cfs (462 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 10 North, Range 11 East of the 6th P.M. in Cass County</u>	<u>Acres</u>	<u>Township 10 North, Range 11 East of the 6th P.M. in Cass County</u>	<u>Acres</u>
Section 09: NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>2.7</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	22.7	TOTAL	71.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.2		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	35.1		

4. All terms and conditions of appropriation A-13998 remain in effect unless specifically changed by this Order.
5. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an 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.

DEPARTMENT OF NATURAL RESOURCES

December 21, 2015


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18880 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18880 were mailed on December 21, 2015, to the following:

Ronald D. Baxter
R & P Baxter Land, LLC
9014 A Street
Nehawka, Nebraska 68413