

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART,

APPROVAL OF EXPEDITED TRANSFER EXT-14242 AND MAP NUMBER 18879

FOR WATER APPROPRIATION A-14242

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14242 is held by R & P Baxter Land, LLC.
2. Appropriation A-14242 has a priority date of May 28, 1976 and authorizes the use of water for irrigation of the 87.0 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 04, 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 rate of 1.24 cfs.

Township 10 North, Range 11 East of the 6 th P.M. in Cass County		Acres
Section 04:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	36.7
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.7
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>10.6</u>
	TOTAL	87.0

3. On March 20, 2014, Ronald D. Baxter, on behalf of R & P Baxter Land, LLC, filed application EXT-4991 for a permit for an expedited transfer of the location of use for 42.8 of the 87.0 acres under surface water appropriation A-14242.
4. On December 1, 2015, Ronald D. Baxter filed map number 18879 showing the land proposed to be irrigated under appropriation A-14242 through transfer EXT-4991.

5. On March 20, 2015, Ronald D. Baxter, on behalf of R & P Baxter Land, LLC, filed REL-4993 relinquishing a portion of the water under appropriation A-14242, 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>
Section 04:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>0.3</u>
	TOTAL	44.2

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-14242 at the rate of 0.63 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>
Section 04:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>0.3</u>
	TOTAL	44.2

2. Application EXT-4991 for a permit for an expedited transfer of the location of use and map number 18879 are APPROVED.
3. Appropriation A-14242 through transfer EXT-4991 authorizes the use of water to irrigate 42.8 acres of land described below and depicted on map number 18879, which is made a part of this Order. The water may be diverted from tributary to Weeping Water Creek at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 04, Township 10 North, Range 11 East of the 6th P.M. in Cass County, as depicted on map number 18879. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.61 cfs (274 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>
Section 04:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.4
Section 09:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>0.7</u>
	TOTAL	42.8

4. All terms and conditions of appropriation A-14242 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

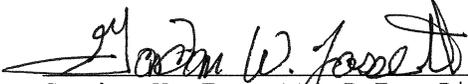
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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 18879 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18879 were mailed on December 21, 2015, to the following:

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