

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14257

AND APPROVAL OF MAP NUMBER 19393

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14257 is held by R & P Baxter Land, LLC.
2. Appropriation A-14257 has a priority date of June 4, 1976, and authorizes the use of water for irrigation of the 166.7 acres of land described below. The water may be diverted from South Cedar Creek at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25 and on the right bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, both in Township 11 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 2.38 cfs from both points of diversion.

<u>Township 11 North, Range 11 East of the</u>		
<u>6th P.M. in Cass County</u>		<u>Acres</u>
Section 25:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
Section 36:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>20.7</u>
	TOTAL	166.7

3. On March 20, 2014, Ronald D. Baxter, on behalf of R & P Baxter Land, LLC, filed relinquishment REL-4995, relinquishing the right to divert water under a portion of appropriation A-14257 to irrigate the 71.7 acres of land described below.

<u>Township 11 North, Range 11 East of the</u>		
<u>6th P.M. in Cass County</u>		<u>Acres</u>
Section 25:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	9.3
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.6
Section 36:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>20.7</u>
	TOTAL	71.7

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-14257 at the rate of 1.02 cfs for use upon the land described below is CANCELLED.

Township 11 North, Range 11 East of the 6 th P.M. in Cass County		Acres
Section 25:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	9.3
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.6
Section 36:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>20.7</u>
	TOTAL	71.7

2. Appropriation A-14257 now authorizes the appropriator to divert water from South Cedar Creek to irrigate the 95.0 acres of land described below and depicted on map number 19393 which is made a part of this Order. The points of diversion remain on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25 and on the right bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, both in Township 11 North, Range 11 East of the 6th P.M. in Cass County, as depicted on map number 19393. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.36 cfs (610 gallons per minute) from both points of diversion.

Township 11 North, Range 11 East of the 6 th P.M. in Cass County		Acres
Section 25:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.7
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	7.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>26.4</u>
	TOTAL	95.0

3. All terms and conditions of appropriation A-14257 remain in effect unless specifically changed by this Order.
4. Appropriation A-14257 is provided supplemental water from Davis Trust Reservoir, storage use appropriation A-14947, owned by R & P Baxter Land, LLC.
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 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

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 19393 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19393 were mailed on December 21, 2015, to the following:

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