

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14947

AND APPROVAL OF MAP NUMBER 19394

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14947 is held by R & P Baxter Land, LLC.
2. Appropriation A-14947 has a priority date of May 16, 1977, and authorizes the use of water for irrigation of the 166.7 acres of land described below. The water may be diverted from Davis Trust Reservoir (storage appropriation A-14703) at a point of diversion located on the left bank of the reservoir in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25 and on the right bank of the reservoir 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 10.99 acre-feet per annum from said reservoir and applied to the land described below.

Township 11 North, Range 11 East of the 6 th P.M. in Cass County		Acres
Section 25:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	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-5516, relinquishing the right to divert water under a portion of appropriation A-14947 to irrigate the 71.7 acres of land described below.

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

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-14947 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-14947 now authorizes the appropriator to divert water from Davis Creek Reservoir (storage appropriation A-14703) to irrigate the 95.0 acres of land described below and depicted on map number 19394 which is made a part of this Order. The points of diversion remain on left bank of the reservoir in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25 and on the right bank of the reservoir 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 19394. Water diverted shall not exceed 10.99 acre-feet per annum from said reservoir and applied to the land described below.

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-14947 remain in effect unless specifically changed by this Order.
4. Appropriation A-14947 provides supplemental water from Davis Trust Reservoir to natural flow appropriation A-14257.
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.

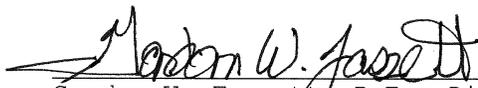
ADDITIONAL INFORMATION

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.

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 19394 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19394 were mailed on December 21, 2015, to the following:

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