

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18711

AND APPROVAL OF MAP NUMBER 19346

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18711 is held by Perry J. Pavelka.
2. Appropriation A-18711, with a priority date of June 18, 2010, authorizes the use of water for irrigation of the 161.2 acres of land described below. The water may be diverted from Pishel Creek at points of diversion located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 32 North, Range 08 West of the 6th P.M. in Knox 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 2.30 cfs from all points of diversion.

Township 32 North, Range 08 West of the 6 th P.M. in Knox County	Acres
Section 28: SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
Section 33: SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.8
SE $\frac{1}{4}$ NW $\frac{1}{4}$	15.6
NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	27.1
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.7
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.6
NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>34.4</u>
TOTAL	161.2

3. The approval of appropriation A-18711 was conditional upon the irrigation of the above lands by September 1, 2013.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18711 had not been irrigated by September 1, 2013.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18711 at the rate of 0.58 cfs for use upon the land described below is CANCELLED.

<u>Township 32 North, Range 08 West of the</u>	
<u>6th P.M. in Knox County</u>	<u>Acres</u>
Section 28: SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.4
Section 33: SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.4
SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.5
NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.3
SW $\frac{1}{4}$ NE $\frac{1}{4}$	22.4
NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>1.1</u>
TOTAL	41.1

2. Appropriation A-18711 now permits the appropriator to divert water from Pishel Creek to irrigate the 120.1 acres of land described below and depicted on map number 19346 which is made a part of this Order. The water may be diverted from Pishel Creek and the points of diversion remain in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 32 North, Range 08 West of the 6th P.M. in Knox County, as depicted on map number 19346. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.72 cfs (795 gallons per minute) from all points of diversion.

<u>Township 32 North, Range 08 West of the</u>	
<u>6th P.M. in Knox County</u>	<u>Acres</u>
Section 28: SE $\frac{1}{4}$ SE $\frac{1}{4}$	36.6
Section 33: SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.4
SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.1
NE $\frac{1}{4}$ NE $\frac{1}{4}$	10.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.7
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.7
NE $\frac{1}{4}$ SW $\frac{1}{4}$	29.6
NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>33.3</u>
TOTAL	120.1

3. All terms and conditions of appropriation A-18711 remain in effect unless specifically changed by this Order.

4. 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.

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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

September 22, 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 19346 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 19346 were mailed on September 22, 2015, to the following:

Perry J. Pavelka
51276 889th Road
Verdigre, Nebraska 68783