

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18783
AND APPROVAL OF MAP 19364

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18783 is held by the Verna M. Fuller Revocable Trust.
2. Appropriation A-18783, with a priority date of May 17, 2011, authorizes the use of water for irrigation of the 107.9 acres of land described below. The water may be diverted from Fuller Family Reservoir (storage appropriation A-18782) from a pump site located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 01 North, Range 03 West of the 6th P.M. in Thayer County. The water diverted shall not exceed a total amount of 100 acre-feet annually.

<u>Township 01 North, Range 03 West of the</u> <u>6th P.M. in Thayer County</u>		<u>Acres</u>
Section 18:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	32.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	11.9
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.8
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>20.3</u>
	TOTAL	107.9

3. The approval of appropriation A-18783 was conditional upon the irrigation of the above lands by September 1, 2014.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18783 had not been irrigated by September 1, 2014.
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-18783 for use upon the land described below is CANCELLED.

Township 01 North, Range 03 West of the 6 th P.M. in Thayer County		Acres
Section 18:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	13.4
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	11.9
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.3
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>15.3</u>
	TOTAL	47.8

2. Appropriation A-18783 now permits the appropriator to divert water from the Fuller Family Reservoir (storage appropriation A-18782) to irrigate the 60.1 acres of land described below and depicted on map number 19364 which is made a part of this Order. The water may be diverted from Fuller Family Reservoir from a pump site located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 01 North, Range 03 West of the 6th P.M. in Thayer County. The water diverted shall not exceed a total amount of 100 acre-feet annually.

Township 01 North, Range 13 West of the 6 th P.M. in Thayer County		Acres
Section 18:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	18.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>5.0</u>
	TOTAL	60.1

3. All terms and conditions of appropriation A-18783 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.

DEPARTMENT OF NATURAL RESOURCES

November 25, 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 19364 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 19364 were mailed on November 25, 2015, to the following:

Verna M. Fuller Revocable Trust
Wesley Fuller, Trustee
P.O. Box 5
Byron, Nebraska 68325

Verna M. Fuller Revocable Trust
Kevin Fuller, Trustee
520 Dover Street
Hardy, Nebraska 68943

Verna M. Fuller Revocable Trust
Julie Hofeldt, Trustee
1853 South 56th Street
Omaha, Nebraska 68106