

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18912

AND APPROVAL OF MAP NUMBER 18206

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18912 is held by Heitmann Brothers L.L.C.
2. Appropriation A-18912, with a priority date of May 4, 2012, authorizes the use of water for irrigation of the 70.6 acres of land described below. The water may be diverted from Heitmann Reservoir No. 1 (storage appropriation A-18913) from a pump site located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 08, Township 01 North, Range 03 West of the 6th P.M. in Thayer County. The amount of water diverted shall not exceed 24.50 acre-feet.

Township 01 North, Range 03 West of the 6 th P.M. in Thayer County		Acres
Section 08:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>3.6</u>
	TOTAL	70.6

3. The approval of appropriation A-18912 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-18912 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.

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

October 29, 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 18206 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 18206 were mailed on October 29, 2015, to the following:

Jeremy W. Heitmann
Heitmann Brothers LLC
5520 Highway 8
Chester, Nebraska 68327