

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18828

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18828 is held by Delfred and Sara Schlake.
2. Appropriation A-18828, with a priority date of October 26, 2011, authorizes the use of water for irrigation of the 248.9 acres of land described below. The appropriator may divert 14.8 acre-feet annually from Schlake Reservoir (storage appropriation A-17875) from a pump site located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 02, Township 02 North, Range 07 East of the 6<sup>th</sup> P.M. in Gage County.

Township 03 North, Range 07 East of the 6 <sup>th</sup> P.M. in Gage County	Acres	Township 02 North, Range 07 East of the 6 <sup>th</sup> P.M. in Gage County	Acres
Section 35: NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.1	Section 01: NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.8
NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.7
SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.3
SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.1	SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.2
		Section 02: SW $\frac{1}{4}$ NE $\frac{1}{4}$	31.3
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.2
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.7
		TOTAL	248.9

3. The approval of appropriation A-18828 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-18828 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-18828 for use upon the land described below is CANCELLED.

<u>Township 02 North, Range 07 East of the 6<sup>th</sup> P.M. in Gage County</u>	<u>Acres</u>	<u>Township 02 North, Range 07 East of the 6<sup>th</sup> P.M. in Gage County</u>	<u>Acres</u>
Section 1: NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.8	Section 2: SW $\frac{1}{4}$ NE $\frac{1}{4}$	31.3
NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.7	SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.2
SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.3		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>30.7</u>
		TOTAL	148.2

2. Appropriation A-18828 now permits the appropriator to divert water from Schlake Reservoir (storage appropriation A-17875) to irrigate the 100.7 acres of land described below and depicted on map number 19341 which is made a part of this Order. The point of diversion remains in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 02, Township 02 North, Range 07 East of the 6<sup>th</sup> P.M. in Gage County. The appropriator is allowed to divert 14.8 acre-feet annually from Schlake Reservoir (storage appropriation A-17875).

<u>Township 03 North, Range 07 East of the 6<sup>th</sup> P.M. in Gage County</u>	<u>Acres</u>
Section 35: NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.3
SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.2
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>33.1</u>
TOTAL	100.7

3. All terms and conditions of appropriation A-18828 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.

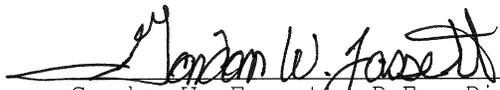
ADDITIONAL INFORMATION

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

October 16, 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 19341 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 19341 were mailed on October 16, 2015, to the following:

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Blue Springs, Nebraska 68318

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