

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART,

APPROVAL OF EXPEDITED TRANSFER EXT-5600 AND MAP NUMBER 19496

FOR WATER APPROPRIATION A-10859

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10859 is held by D. Russell Lechtenberg.
2. A review of Department's records indicates a scrivener's error was made on the Order dated September 8, 1967. The points of diversion are in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and the left bank in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, all in Township 34 North, Range 13 West of the 6th P.M. in Boyd County; they were incorrectly listed as the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and the left bank in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 of said legal description.
3. Appropriation A-10859 has a priority date of June 3, 1966, and authorizes the use of water for irrigation of the 90.9 acres of land described below. The water may be diverted from Ponca Creek at points of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and the left bank in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, all in Township 34 North, Range 13 West of the 6th P.M. in Boyd 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 1.30 cfs from all points of diversion.

Township 34 North, Range 13 West of the 6 th P.M. in Boyd County		Acres
Section 10:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	21.1
Section 11:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.1
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	15.0
	TOTAL	90.9

4. All terms and conditions of appropriation A-10859 remain in effect unless specifically changed by this Order.
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, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an 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.

DEPARTMENT OF NATURAL RESOURCES

April 18, 2016


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 19496 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19496 were mailed on April 18, 2016, to the following:

D. Russell Lechtenberg
48429 Lincoln Road
Butte, Nebraska 68722