

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART,

APPROVAL OF EXPEDITED TRANSFER EXT-5582 AND MAP NUMBER 19476

FOR WATER APPROPRIATION A-15375

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15375 is held by the Lower Big Blue Natural Resources District (LBBNRD).
2. Appropriation A-15375 has a priority date of December 14, 1978, and authorizes the use of water for irrigation of the 135.7 acres of land described below. The water may be diverted from Big Indian Creek Reservoir 7-A at points of diversion located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 36, Township 02 North, Range 04 East of the 6th P.M. in Jefferson County. Water diverted shall not exceed the amount of 142.7 acre-feet per year.

Township 02 North, Range 04 East of the
6th P.M. in Jefferson County Acres

Section 36:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.6
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>3.1</u>
	TOTAL	135.7

3. On March 31, 2016, David S. Clabaugh, Manager of the LBBNRD, on behalf of landowner Cindy M. Lottman, filed application EXT-5582 for a permit for an expedited transfer of the location of use for 122.0 of the 135.7 acres under surface water appropriation A-15375 and map number 19476 showing the land proposed to be irrigated under appropriation A-15375 through transfer EXT-5582.

4. On March 31, 2016, an Irrigation Agreement between the LBBNRD and Cindy Lottman was submitted to the Department. The agreement limits the amount of water withdrawn per year to 1 acre-foot per irrigated acre. The agreement reduced the total number of acres from 135.7 to 122.0; therefore, the amount of water diverted from Big Indian Creek Reservoir 7A is proportionally reduced from 135.7 acre-feet to 122.0 acre-feet per year.
5. On March 31, 2016, David S. Clabaugh, Manager of the LBBNRD, and landowner Cindy M. Lottman, filed REL-5609 relinquishing a portion of the water under appropriation A-15375, for use on the land described below.

<u>Township 02 North, Range 04 East of the 6th P.M. in Jefferson County</u>	<u>Acres</u>	<u>Township 02 North, Range 04 East of the 6th P.M. in Jefferson County</u>	<u>Acres</u>
Section 36: SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.0	Section 36: NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>3.1</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.6	TOTAL	13.7

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-15375 is CANCELLED for use on the land described below.

<u>Township 02 North, Range 04 East of the 6th P.M. in Jefferson County</u>	<u>Acres</u>	<u>Township 02 North, Range 04 East of the 6th P.M. in Jefferson County</u>	<u>Acres</u>
Section 36: SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.0	Section 36: NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>3.1</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.6	TOTAL	13.7

2. Application EXT-5582 for a permit for an expedited transfer of the location of use and map number 19476 are APPROVED.
3. Appropriation A-15375 through transfer EXT-5582 authorizes the use of water to irrigate 122.0 acres of land described below and depicted on map number 19476, which is made a part of this Order. The water may be diverted from Big Indian Creek Reservoir 7-A at points of diversion located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 02 North, Range 04 East of the 6th P.M. in Jefferson County, as depicted on map number 19476, with the permission from the appropriator of A-11172, LBBNRD, to divert water for irrigation from this reservoir. Water diverted shall not exceed the amount of 122.0 acre-feet per year.

<u>Township 02 North, Range 04 East of the 6th P.M. in Jefferson County</u>	<u>Acres</u>	<u>Township 02 North, Range 04 East of the 6th P.M. in Jefferson County</u>	<u>Acres</u>
Section 36: NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3	Section 36: NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.2
NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>12.0</u>
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3	TOTAL	122.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.1		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.6		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	13.3		

4. All terms and conditions of appropriation A-15375 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.

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 19476 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19476 were mailed on April 18, 2016, to the following:

David Clabaugh, Manager
Lower Big Blue Natural Resources District
P.O. Box 826
Beatrice, Nebraska 68310

Cindy Lottman
403 Smith Street
Diller, Nebraska 68342