

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13079

WATER DIVISION 1-F

BACKGROUND

- Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13079 is held by the Stuart T. and LaVera Y. Schlichtemeier Trust.
- Appropriation A-13079 has a priority date of July 16, 1974, and authorizes the use of water for irrigation of the 342.0 acres of land described below. The water may be diverted from a tributary to Weeping Water Creek at points of diversion located on the right bank of the stream in the SW¹/₄SW¹/₄ of Section 28 and in the SW¹/₄NW¹/₄ of Section 33, both in Township 11 North, Range 13 East of the 6th P.M. in Cass 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 4.89 cfs from both points of diversion.

Township 11 North, Range 13 East of the 6 th P.M. in Cass County		Township 11 North, Range 13 East of the 6 th P.M. in Cass County	
	Acres		Acres
Section 28: NW ¹ / ₄ SW ¹ / ₄	40.0	NW ¹ / ₄ SW ¹ / ₄	40.0
NE ¹ / ₄ SW ¹ / ₄	15.0	NE ¹ / ₄ SW ¹ / ₄	40.0
SW ¹ / ₄ SW ¹ / ₄	40.0	SW ¹ / ₄ SW ¹ / ₄	40.0
SE ¹ / ₄ SW ¹ / ₄	15.0	SE ¹ / ₄ SW ¹ / ₄	40.0
Section 32: NE ¹ / ₄ NE ¹ / ₄	20.0	TOTAL	342.0
Section 33: SW ¹ / ₄ NW ¹ / ₄	26.0		
SE ¹ / ₄ NW ¹ / ₄	26.0		

- On March 13, 2015, LaVera Y. Schlichtemeier and Don Schlichtemeier, on behalf of the Stuart T. and LaVera Y. Schlichtemeier Trust filed relinquishment REL-5441, relinquishing the right to divert water under a portion of appropriation A-13079 to irrigate the 254.7 acres of land described below.

Township 11 North, Range 13 East of the 6 th P.M. in Cass County		Township 11 North, Range 13 East of the 6 th P.M. in Cass County	
	Acres		Acres
Section 28: SW ¹ / ₄ SW ¹ / ₄	14.0	NW ¹ / ₄ SW ¹ / ₄	40.0
SE ¹ / ₄ SW ¹ / ₄	8.7	NE ¹ / ₄ SW ¹ / ₄	40.0
Section 32: NE ¹ / ₄ NE ¹ / ₄	20.0	SW ¹ / ₄ SW ¹ / ₄	40.0
Section 33: SW ¹ / ₄ NW ¹ / ₄	26.0	SE ¹ / ₄ SW ¹ / ₄	40.0
SE ¹ / ₄ NW ¹ / ₄	26.0	TOTAL	254.7

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-13079 at the rate of 3.64 cfs for use upon the land described below is CANCELLED.

<u>Township 11 North, Range 13 East of the 6th P.M. in Cass County</u>	<u>Acres</u>	<u>Township 11 North, Range 13 East of the 6th P.M. in Cass County</u>	<u>Acres</u>
Section 28: SW ¹ / ₄ SW ¹ / ₄	14.0	NW ¹ / ₄ SW ¹ / ₄	40.0
SE ¹ / ₄ SW ¹ / ₄	8.7	NE ¹ / ₄ SW ¹ / ₄	40.0
Section 32: NE ¹ / ₄ NE ¹ / ₄	20.0	SW ¹ / ₄ SW ¹ / ₄	40.0
		SE ¹ / ₄ SW ¹ / ₄	<u>40.0</u>
Section 33: SW ¹ / ₄ NW ¹ / ₄	26.0	TOTAL	254.7
SE ¹ / ₄ NW ¹ / ₄	26.0		

2. Appropriation A-13079 now authorizes the appropriator to divert water for irrigation of the 87.3 acres of land described below and depicted on map number 18936 which is made a part of this Order. The water may be diverted from a tributary to Weeping Water Creek at a point of diversion located on the right bank of the stream in the SW¹/₄SW¹/₄ of Section 28, Township 11 North, Range 13 East of the 6th P.M. in Cass County, as depicted on map number 18936. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.25 cfs (561 gallons per minute).

<u>Township 11 North, Range 13 East of the 6th P.M. in Cass County</u>	<u>Acres</u>
Section 28: NW ¹ / ₄ SW ¹ / ₄	40.0
NE ¹ / ₄ SW ¹ / ₄	15.0
SW ¹ / ₄ SW ¹ / ₄	26.0
SE ¹ / ₄ SW ¹ / ₄	<u>6.3</u>
TOTAL	87.3

3. All terms and conditions of appropriation A-13079 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.

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. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

July 23, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18936 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18936 were mailed on July 23, 2015, to the following:

Stuart T. and LaVera Y. Schlichtemeier Trust
3210 Hobscheidt Road
Murray, Nebraska 68409

Don Schlichtemeier
3516 Hobscheidt Road
Murray, Nebraska 68409