

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13754

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13754 is held by Beverly Brodersen, Trustee.
2. Appropriation A-13754 has a priority date of August 21, 1975, and authorizes the use of water for irrigation of the 205.0 acres of land described below. The water may be diverted from Pearl Creek at points of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 34 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 35, both in Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar 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 2.93 cfs from all points of diversion.

Township 30 North, Range 1 East of the 6 <sup>th</sup> P.M. in Cedar County	Acres
Section 34: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
Section 35: SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
TOTAL	205.0

3. On May 12, 2015, Beverly Brodersen filed relinquishment REL-5439, relinquishing the right to divert water under a portion of appropriation A-13754 to irrigate the 124.2 acres of land described below.

Township 30 North, Range 1 East of the 6 <sup>th</sup> P.M. in Cedar County	Acres
Section 34: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.2
TOTAL	124.2

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-13754 at the rate of 1.78 cfs for use upon the land described below is CANCELLED.

Township 30 North, Range 1 East of the 6 <sup>th</sup> P.M. in Cedar County		Acres
Section 34:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>4.2</u>
	TOTAL	124.2

2. Appropriation A-13754 now authorizes the appropriator to divert water from Pearl Creek to irrigate the 80.8 acres of land described below and depicted on map number 19284 which is made a part of this Order. The points of diversion remain in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 34 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 35, both in Township 30 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County, as depicted on map number 19284. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.15 cfs (516 gallons per minute) from all points of diversion.

Township 30 North, Range 1 East of the 6 <sup>th</sup> P.M. in Cedar County		Acres
Section 34:	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11.8
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
Section 35:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>37.0</u>
	TOTAL	80.8

3. All terms and conditions of appropriation A-13754 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

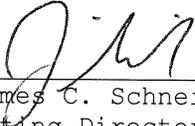
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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

  
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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 19284 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 19284 were mailed on July 23, 2015, to the following:

Beverly Brodersen, Trustee  
87918 569<sup>th</sup> Avenue  
Coleridge, Nebraska 68727

Dennis Brodersen  
North Star Farms, Inc.  
87906 569<sup>th</sup> Avenue  
Coleridge, Nebraska 68727

Ron Brodersen  
88155 Highway 57  
Hartington, Nebraska 68739