STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-4028

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4028 is held by Chad and Becky Ortmeier.

2. Appropriation A-4028 has a priority date of January 29, 1947, and authorizes the use of water for irrigation of the 124.0 acres of land described below. The water may be diverted from the Little Blue River at point of diversion located on the right bank of the stream in the SE¼SW¼ of Section 12, Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.89 cfs.

Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County		Acres
Section 12:	SW¼SW¼	15.0
	SE¼SW¼	11.0
Section 13:	NW¼NW¼	40.0
	NE¼NW¼	28.0
	SW¼NW¼	28.0
	SE¼NW¼	2.0
	TOTAL	124.0

3. On April 11, 2014, Chad and Becky Ortmeier filed relinquishment REL-5028, relinquishing the right to divert water under a portion of appropriation A-4028 to irrigate the 46.7 acres of land described below.

Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County		Acres
Section 13:	NW¼NW¼	19.1
	SW¼NW¼	27.6
	TOTAL	46.7

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-4028 at the rate of 0.33 cfs for use upon the land described below is CANCELLED.

Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County		Acres
Section 13:	NW¼NW¼	19.1
	SW¼NW¼	27.6
	TOTAL	46.7

2. Appropriation A-4028 now authorizes the appropriator to divert water from the Little Blue River to irrigate the 77.3 acres of land described below and depicted on map number 19001 which is made a part of this Order. The point of diversion remains in the SE¼SW¼ of Section 12, Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County, as depicted on map number 19001. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.56 cfs (251 gallons per minute).

Township 4 North, Range 7 West of the 6th P.M. in Nuckolls County		Acres
Section 12:	SW¼SW¼	15.0
	SE¼SW¼	11.0
Section 13:	NW¼NW¼	20.9
	NE¼NW¼	28.0
	SW¼NW¼	0.4
	SE¼NW¼	2.0
	TOTAL	77.3

3. All terms and conditions of appropriation A-4028 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

April 28, 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 19001 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19001 were mailed on April 28, 2015, to the following:

Chad G. and Becky S. Ortmeier
260 County Road 3
Dodge NE 68633