

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-9500

AND APPROVAL OF MAP NUMBER 19305

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9500 is held by Lawrence Stuhr.
2. The Department has received information that Ellen M. Stuhr is the wife of Lawrence Stuhr and holds a spousal interest in appropriation A-9500.
3. Appropriation A-9500 has a priority date of May 16, 1957, and authorizes the use of water for irrigation of the land described below. The water may be diverted from Beaver Creek at points of diversion located on both banks of the stream in the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 01, Township 20 North, Range 07 West of the 6<sup>th</sup> P.M. in Boone County.

The 99.8 acres appurtenant to appropriation A-9500 described below provides additional water to land approved for irrigation under natural flow appropriation A-2779. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.71 cfs from all points of diversion.

<u>Township 20 North, Range 07 West of the</u>	
<u>6<sup>th</sup> P.M. in Boone County</u>	
	Acres
Section 01: NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	24.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>36.8</u>
TOTAL	99.8

Water diverted for irrigation of the 14.5 acres appurtenant to appropriation A-9500 described below shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.21 cfs from all points of diversion.

<u>Township 20 North, Range 07 West of the</u>	
<u>6<sup>th</sup> P.M. in Boone County</u>	
	Acres
Section 01: NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.1
SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>5.4</u>
TOTAL	14.5

4. On May 29, 2015, Lawrence J. and Ellen M. Stuhr filed relinquishment REL-5454, relinquishing the right to divert water under a portion of appropriation A-9500 which provides additional water to appropriation A-2779 to irrigate the 4.9 acres of land described below.

Township 20 North, Range 07 West of the  
6<sup>th</sup> P.M. in Boone County Acres

Section 01: SE $\frac{1}{4}$ NW $\frac{1}{4}$  4.9

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-9500 at the rate of 0.03 cfs for use upon the land described below is CANCELLED.

Township 20 North, Range 07 West of the  
6<sup>th</sup> P.M. in Boone County Acres

Section 01: SE $\frac{1}{4}$ NW $\frac{1}{4}$  4.9

2. Appropriation A-9500 now authorizes the appropriator to divert water from Beaver Creek to irrigate the 94.9 acres of land described below and depicted on map number 19305 which is made a part of this Order. The water may be diverted from Beaver Creek on both sides of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 01, Township 20 North, Range 07 West of the 6<sup>th</sup> P.M. in Boone County, as depicted on map number 19305. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum combined rate of 0.68 cfs (305 gallons per minute) from all points of diversion.

Township 20 North, Range 07 West of the  
6<sup>th</sup> P.M. in Boone County Acres

Section 01: NE $\frac{1}{4}$ NW $\frac{1}{4}$  39.0  
 SW $\frac{1}{4}$ NW $\frac{1}{4}$  24.0  
 SE $\frac{1}{4}$ NW $\frac{1}{4}$  31.9

TOTAL 94.9

Water diverted for irrigation of the 14.5 acres appurtenant to appropriation A-9500 described below shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.21 cfs (94 gallons per minute) from all points of diversion.

Township 20 North, Range 07 West of the  
6<sup>th</sup> P.M. in Boone County Acres

Section 01: NE $\frac{1}{4}$ NW $\frac{1}{4}$  9.1

SW $\frac{1}{4}$ NW $\frac{1}{4}$  5.4

TOTAL 14.5

3. The 94.9 acres appurtenant to appropriation A-9500 described in Item 3 above provides additional water to land authorized for irrigation under appropriation A-2779.
4. All terms and conditions of appropriation A-9500 remain in effect unless specifically changed by this Order.
5. 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

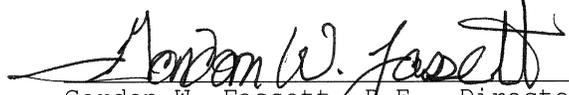
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

August 24, 2015

  
 Gordon W. Fassett F.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19305 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 19305 were mailed on August 24, 2015, to the following:

Lawrence Stuhr  
 2249 220<sup>th</sup> Avenue  
 Albion, Nebraska 68620

Douglas Stuhr  
 2086 221th Street  
 Albion, Nebraska 68620

Ellen M. Stuhr  
 2249 220<sup>th</sup> Avenue  
 Albion, Nebraska 68620