

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-11891

AND APPROVAL OF MAP NUMBER 19725

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that a portion of land located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ appurtenant to surface water appropriation A-11891 is owned by the Michael D. Bjorkman Irrevocable Trust, Heritage Bank, Trustee.
2. Records on file in the Department show that a portion of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ appurtenant to surface water appropriation A-11891 is owned by Andrew J. and Shannon Peard.
3. Pursuant to the Order dated September 4, 1981, water diversion facilities for irrigation of land under A-11891 shall be equipped with a measuring device. During times of shortage, water shall be denied by the Department if not equipped with said measuring device.
4. Appropriation A-11891 has a priority date of March 18, 1970, and authorizes the use of water for irrigation of the 60.0 acres of land described below. The water may be diverted from Lincoln Creek at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 11 North, Range 07 West of the 6th P.M. in Hamilton County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.86 cfs.

Township 11 North, Range 07 West of the 6 th P.M. in Hamilton County		Acres
Section 29:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>29.0</u>
	TOTAL	60.0

5. On October 11, 2016, Emily Jasnowski, Heritage Bank Trust Administration Officer, on behalf of the Michael D. Bjorkman Irrevocable Trust, filed relinquishment REL-5986, relinquishing the right to divert water under a portion of appropriation A-11891 to irrigate the 52.3 acres of land described below.

Township 11 North, Range 07 West of the 6 th P.M. in Hamilton County		Acres
Section 29:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	23.3
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>29.0</u>
	TOTAL	52.3

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-11891 at the rate of 0.75 cfs for use upon the land described below is CANCELLED.

Township 11 North, Range 07 West of the
6th P.M. in Hamilton County Acres

Section 29: NW ¹ / ₄ NW ¹ / ₄	23.3
NE ¹ / ₄ NW ¹ / ₄	<u>29.0</u>
TOTAL	52.3

2. Appropriation A-11891 now authorizes the appropriator to divert water from Lincoln Creek to irrigate the 7.7 acres of land described below and depicted on map number 19725 which is made a part of this Order. The point of diversion remains in the NE¹/₄NW¹/₄ of Section 29, Township 11 North, Range 07 West of the 6th P.M. in Hamilton County, as depicted on map number 19725. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.11 cfs (49 gallons per minute).

Township 11 North, Range 07 West of the
6th P.M. in Hamilton County Acres

Section 29: NW ¹ / ₄ NW ¹ / ₄	7.7
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3. A **measuring device** approved by the Department **is required**. During times of shortage, water shall be denied by the Department if not equipped with said measuring device.
4. All terms and conditions of appropriation A-11891 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 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

October 26, 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 19725 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19725 were mailed on October 26, 2016, to the following:

Emily Jasnowski, Heritage Bank Trust Administration Officer
Michael D. Bjorkman Irrevocable Trust
P.O. Box 329
Aurora, Nebraska 68818

Michael D. Bjorkman
811 West 15th Road
Phillips, Nebraska 68865

Andrew J. and Shannon Peard
1408 North H Road
Phillips, Nebraska 68865