STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13775

AND APPROVAL OF MAP NUMBER 19722

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13775 is held by Greg A. and Joyce R. Krueger.

2. Appropriation A-13775 has a priority date of August 28, 1975, and authorizes the use of water for irrigation of the 129.6 acres of land described below. The water may be diverted from Todd Creek (Elk Creek) at a point of diversion located on the left bank of the stream in the SE¼NW¼ of Section 36, Township 14 North, Range 11 East of the 6th P.M. in Johnson 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 1.85 cfs.

Township 04 North, Range 11 East of the 6th P.M. in Johnson County		Acres
Section 36:	NW¼NW¼	38.8
	NE¼NW¼	38.9
	SW¼NW¼	29.5
	SE¼NW¼	22.4
		129.6

3. On September 29, 2016, Greg A. and Joyce R. Krueger filed relinquishment REL-5973, relinquishing the right to divert water under a portion of appropriation A-13775 to irrigate the 6.4 acres of land described below.

Township 04 North, Range 11 East of the 6th P.M. in Johnson County		Acres
Section 36:	SW¼NW¼	6.4

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-13775 at the rate of 0.09 cfs for use upon the land described below is CANCELLED.

Township 04 North, Range 11 East of the 6th P.M. in Johnson County		Acres
Section 36:	SW¼NW¼	6.4

2. Appropriation A-13775 now permits the appropriator to divert water from Todd Creek (Elk Creek) to irrigate the 123.2 acres of land described below and depicted on map number 19722 which is made a part of this Order. The water may be diverted from Todd Creek (Elk Creek) and the point of diversion remains on the left bank of the stream in the SE¼NW¼ of Section 36, Township 04 North, Range 11 East of the 6th P.M. in Johnson County, as depicted on map number 19722. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.76 cfs (790 gallons per minute).

Township 04 North, Range 11 East of the 6th P.M. in Johnson County		Acres
Section 36:	NW¼NW¼	38.8
	NE¼NW¼	38.9
	SW¼NW¼	23.1
	SE¼NW¼	22.4
		123.2

3. All terms and conditions of the approval of appropriation A-13775 remain in effect unless specifically changed by this Order.

4. 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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

November 15, 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 19722 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19722 were mailed on November 15, 2016, to the following:

Greg A. and Joyce R. Krueger
72093 623rd Avenue
Elk Creek, Nebraska 68348