

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18734

AND APPROVAL OF MAP NUMBER 19544

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18734 is held by DeVern C. and June K. Hagemeyer.
2. Appropriation A-18734, with a priority date of January 14, 2011, authorizes the use of water for irrigation of the 168.3 acres of land described below. The water may be diverted from Clatonia Creek at points of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, both in Township 06 North, Range 05 East of the 6th P.M. in Gage 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 2.40 cfs from both points of diversion.

Township 05 North, Range 05 East of the 6 th P.M. in Gage County	Acres
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Section: 04 NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.3
SW $\frac{1}{4}$ SW $\frac{1}{4}$	33.5

Township 06 North, Range 05 East of the 6 th P.M. in Gage County	Acres
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Section 32: SE $\frac{1}{4}$ SE $\frac{1}{4}$	11.7
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Section 33: NW $\frac{1}{4}$ SW $\frac{1}{4}$	20.3
NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.3
SW $\frac{1}{4}$ SW $\frac{1}{4}$	26.3
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.9

TOTAL	168.3
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3. The approval of appropriation A-18734 was conditional upon the irrigation of the above land by September 1, 2013.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18734 had not been irrigated by September 1, 2013.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18734 at the rate of 1.18 cfs for use upon the land described below is CANCELLED.

Township 05 North, Range 05 East of the
6th P.M. in Gage County Acres

Section: 04 NW¹/₄SW¹/₄ 21.0
SW¹/₄SW¹/₄ 21.2

Township 06 North, Range 05 East of the
6th P.M. in Gage County Acres

Section 32: SE¹/₄SE¹/₄ 11.7

Section 33: NW¹/₄SW¹/₄ 15.4
NE¹/₄SW¹/₄ 7.7
SW¹/₄SW¹/₄ 5.7
SE¹/₄SW¹/₄ 0.3

TOTAL 83.0

2. Appropriation A-18734 now permits the appropriator to divert water from Clatonia Creek to irrigate the 85.3 acres of land described below and depicted on map number 19544 which is made a part of this Order. The water may be diverted from Clatonia Creek at a point of diversion in the SW¹/₄SW¹/₄ of Section 33, Township 06 North, Range 05 East of the 6th P.M. in Gage County, as depicted on map number 19544. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.22 cfs (548 gallons per minute).

Township 05 North, Range 05 East of the
6th P.M. in Gage County Acres

Section: 04 NW¹/₄SW¹/₄ 18.3
SW¹/₄SW¹/₄ 12.3

Township 06 North, Range 05 East of the
6th P.M. in Gage County Acres

Section 33: NW¹/₄SW¹/₄ 4.9
NE¹/₄SW¹/₄ 27.6
SW¹/₄SW¹/₄ 20.6
SE¹/₄SW¹/₄ 1.6

TOTAL 85.3

3. All terms and conditions of the approval of appropriation A-18734 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

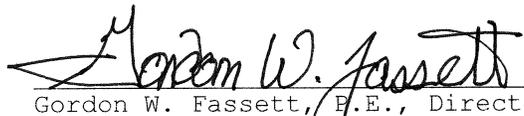
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

May 27, 2016


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 19544 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 19544 were mailed on May 27, 2016, to the following:

DeVern C. and June K. Hagemeyer
15280 SW 42nd Road
Pickrell, NE 68422