STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18840

AND APPROVAL OF MAP NUMBER 19724

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18840 is held by M N S LLC.

2. Appropriation A-18840, with a priority date of November 23, 2011, authorizes the use of water for irrigation of the 68.0 acres of land described below. Appropriation A-18840 authorizes the appropriator the use of 15 acre-feet annually from Kibby Reservoir (storage appropriation A-4481) from a pump site located in Lot 7 (SE¼NW¼) of Section 21, Township 34 North, Range 16 West of the 6th P.M. in Boyd County.

Township 34 North, Range 16 West of the 6th P.M. in Boyd County		Acres
Section 21:	SW¼NW¼	18.1
	Lot 7 (SE¼NW¼)	8.9

Township 34 North, Range 16 West of the 6th P.M. in Boyd County		Acres
Section 21:	Lot 5 (NW¼SW¼)	29.6
	Lot 6 (NE¼SW¼)	11.4
	TOTAL	68.0

3. The approval of appropriation A-18840 was conditional upon the irrigation of the above land by September 1, 2016.

4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18840 had not been irrigated by September 1, 2016.

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-18840 for use upon the land described below is CANCELLED.

Township 34 North, Range 16 West of the 6th P.M. in Boyd County		Acres
Section 21:	Lot 7 (SE¼NW¼)	0.2

Township 34 North, Range 16 West of the 6th P.M. in Boyd County		Acres
Section 21:	Lot 5 (NW¼SW¼)	4.3
	Lot 6 (NE¼SW¼)	1.3
	TOTAL	5.8

2. Appropriation A-18840 now permits the appropriator to divert water from Kibby Reservoir (storage appropriation A-4481) to irrigate the 62.2 acres of land described below and depicted on map number 19724 which is made a part of this Order. The water may be diverted from Kibby Reservoir (storage appropriation A-4481) and the point of diversion remains in Lot 7 (SE¼NW¼) of Section 21, Township 34 North, Range 16 West of the 6th P.M. in Boyd County, as depicted on map number 19724. Water diverted shall not exceed 15 acre-feet annually.

Township 34 North, Range 16 West of the 6th P.M. in Boyd County		Acres
Section 21:	SW¼NW¼	18.5
	Lot 7 (SE¼NW¼)	8.7

Township 34 North, Range 16 West of the 6th P.M. in Boyd County		Acres
Section 21:	Lot 5 (NW¼SW¼)	24.9
	Lot 6 (NE¼SW¼)	10.1
	TOTAL	62.2

3. All terms and conditions of the approval of appropriation A-18840 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.

DEPARTMENT OF NATURAL RESOURCES

October 18, 2016

Gordon W. Fassett

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 19724 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 19724 were mailed on October 18, 2016, to the following:

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