

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-19072

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19072 is held by the Curt A. Wischmeier Living Trust.
2. Appropriation A-19072 has a priority date of April 22, 2013, and authorizes the use of water for irrigation of the 73.6 acres of land described below. The water may be diverted from Wischmeier Reservoir (storage appropriation A-19071) at a point of diversion located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 03 North, Range 09 East of the 6th P.M. in Pawnee County. Water diverted shall not exceed an amount of 100.3 acre-feet annually.

Township 03 North, Range 09 East of the 6 th P.M. in Pawnee County	Acres
Section 17: NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.1
NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.5
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.2
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>31.8</u>
TOTAL	73.6

3. The approval of A-19072 was conditional upon a signed agreement among the Curt A. Wischmeier Living Trust; the Jay K. Wischmeier Revocable Trust Dated August 2, 2012; and the Rosemary Wischmeier Revocable Trust Dated August 2, 2012, granting reasonable right of ingress and egress to the land appurtenant to A-19072 be submitted to the Department within six months of the approval date of A-19072. Said agreement has not been received.
4. On March 15, 2016, the appropriator of storage permit A-19071 indicated to Department staff via telephone that Wischmeier Reservoir was not constructed and the irrigation project under appropriation A-19072 was not developed.
5. Therefore, appropriation A-19072 should be cancelled.
6. *Nebraska Revised Statutes* § 46-238 provide for the cancellation of an appropriation in the event that the appropriator fails to comply with the terms of the approval.

ORDER

IT IS HEREBY ORDERED that appropriation A-19072 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

April 6, 2016


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website and provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed on April 6, 2016, to the following:

Curt A. and Susan W. Wischmeier, Trustees
Curt A. Wischmeier Living Trust
3509 Rolling Meadow
Aberdeen, South Dakota 57840

Jay Wischmeier
Wischmeier Revocable Trusts
71674 608th Avenue
Burchard, Nebraska 68323

Rosemary Wischmeier
Wischmeier Revocable Trusts
71674 608th Avenue
Burchard, Nebraska 68323