

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14015

AND APPROVAL OF MAP NUMBER 19786

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14015 is held by John Church.
2. A search of the records of the Gage County Register of Deeds indicates the land appurtenant to appropriation A-14015 was divided into distinct parcels and there are additional landowners. These individuals are Donald E. Cerveny, James and Robyn L. Engel, David E. and Eva J. Lampe, Robert D. and Doreen A. Ideus, Celia I. and Tony Alan Ebbers, Mark R. and Janet L. Trisler and Patrick and Mary Ann Ratigan.
3. Appropriation A-14015 has a priority date of February 11, 1976, and authorizes the use of water for irrigation of the 67.0 acres of land described below. The water may be diverted from Bear Creek at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, Township 04 North, Range 06 East of the 6<sup>th</sup> 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 rate of 0.96 cfs.

<u>Township 04 North, Range 06 East of the</u>	
<u>6<sup>th</sup> P.M. in Gage County</u>	
	<u>Acres</u>
Section 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>27.0</u>
TOTAL	67.0

4. On December 16, 2016, Donald E. Cerveny filed relinquishment REL-6057, relinquishing the right to divert water under a portion of appropriation A-14015 to irrigate the 1.0 acres of land described below.

<u>Township 04 North, Range 06 East of the</u>	
<u>6<sup>th</sup> P.M. in Gage County</u>	
	<u>Acres</u>
Section 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.0

5. On December 19, 2016, James and Robyn L. Engel filed relinquishment REL-6058, relinquishing the right to divert water under a portion of appropriation A-14015 to irrigate the 1.7 acres of land described below.

Township 04 North, Range 06 East of the  
6<sup>th</sup> P.M. in Gage County Acres

Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$  1.7

6. On December 19, 2016, David E. and Eva J. Lampe filed relinquishment REL-6059, relinquishing the right to divert water under a portion of appropriation A-14015 to irrigate the 3.5 acres of land described below.

Township 04 North, Range 06 East of the  
6<sup>th</sup> P.M. in Gage County Acres

Section 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$  3.5

7. On December 19, 2016, Robert D. and Doreen A. Ideus filed relinquishment REL-6060, relinquishing the right to divert water under a portion of appropriation A-14015 to irrigate the 3.5 acres of land described below.

Township 04 North, Range 06 East of the  
6<sup>th</sup> P.M. in Gage County Acres

Section 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$  3.5

8. On December 23, 2016, Celia I. and Tony Alan Ebberts filed relinquishment REL-6065, relinquishing the right to divert water under a portion of appropriation A-14015 to irrigate the 3.5 acres of land described below.

Township 04 North, Range 06 East of the  
6<sup>th</sup> P.M. in Gage County Acres

Section 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$  3.5

9. On January 3, 2017, Mark R. and Janet L. Trisler filed relinquishment REL-6071, relinquishing the right to divert water under a portion of appropriation A-14015 to irrigate the 7.8 acres of land described below.

Township 04 North, Range 06 East of the  
6<sup>th</sup> P.M. in Gage County Acres

Section 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$  7.8

10. On January 3, 2017, Patrick and Mary Ann Ratigan filed relinquishment REL-6072, relinquishing the right to divert water under a portion of appropriation A-14015 to irrigate the 3.5 acres of land described below.

Township 04 North, Range 06 East of the  
6<sup>th</sup> P.M. in Gage County Acres

Section 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$  3.5

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-14015 at the rate of 0.35 cfs for use upon the land described below is CANCELLED.

Township 04 North, Range 06 East of the 6 <sup>th</sup> P.M. in Gage County		Acres
Section 26:	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	22.8
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>1.7</u>
	TOTAL	24.5

2. Appropriation A-14015 now authorizes the appropriator to divert water from Bear Creek to irrigate the 42.5 acres of land described below and depicted on map number 19786 which is made a part of this Order. The point of diversion remains in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 26, Township 04 North, Range 06 East of the 6<sup>th</sup> P.M. in Gage County, as depicted on map number 19786. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.61 cfs (274 gallons per minute).

Township 04 North, Range 06 East of the 6 <sup>th</sup> P.M. in Gage County		Acres
Section 26:	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	17.2
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>25.3</u>
	TOTAL	42.5

3. All terms and conditions of appropriation A-14015 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, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

January 10, 2017

  
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 19786 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19786 were mailed on January 10, 2017, to the following:

Donald E. Cerveny  
24268 Bear Creek Lane  
Beatrice, Nebraska 68310

Celia I. and Tony Alan Ebbers  
618 East Dorsey Road  
Beatrice, Nebraska 68310

James and Robyn L. Engel  
1292 West Hackberry Road  
Beatrice, Nebraska 68310

Mark R. and Janet L. Trisler  
24156 Bear Creek Lane  
Beatrice, Nebraska 68310

David E. and Eva J. Lampe  
24444 Bear Creek Lane  
Beatrice, Nebraska 68310

Patrick and Mary Ann Ratigan  
668 East Dorsey Road  
Beatrice, Nebraska 68310

Robert D. and Doreen A. Ideus  
554 Dorsey Road  
Beatrice, Nebraska 68310

John Church  
770 East Dorsey Road  
Beatrice, Nebraska 68310