

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-10993R

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-10993R is held by Richard R. Miles.
2. Appropriation A-10993R authorizes the use of water for irrigation of the 854.0 acres of land described below. The water may be diverted from Otter Creek at a point of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 33 North, Range 16 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 12.2 cfs (5475 gallons per minute).

<u>Township 33 North, Range 16 West of the</u>		
<u>6th P.M. in Holt County</u>		<u>Acres</u>
Section 28:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	36.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
Section 33:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40.0</u>
	TOTAL	854.0

2. On November 14, 2008, Richard R. Miles filed application EXT-1579 for a permit for an expedited transfer of the location of use for 234.9 acres of the 854.0 acres under surface water appropriation A-10993R.
3. On November 14, 2008, Richard R. Miles filed REL-1583 for a partial relinquishment of water appropriation A-10993R, relinquishing the right to divert water under A-10993R, for use on the land described below.

Township 33 North, Range 16 West of the 6 th P.M. in Holt County		Acres
Section 28:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.6
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.6
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.4
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.2
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25.4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.8
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	29.0
Section 33:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.6
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	TOTAL	619.1

Order

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-10993R at the rate of 8.84 cfs is CANCELLED for use on the land described below.

Township 33 North, Range 16 West of the		
6 th P.M. in Holt County		Acres
Section 28:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.6
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.6
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.4
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.2
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25.4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.8
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	29.0
	Section 33:	NW $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$		40.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$		40.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$		40.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$		40.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$		40.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$		40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$		40.0
TOTAL		619.1

Appropriation A-10993R now permits Richard R. Miles to divert water from Otter Creek to irrigate the 234.9 acres of land described below. The point of diversion remains in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 33 North, Range 16 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 3.36 cfs (1508 gallons per minute).

Township 33 North, Range 16 West of the 6 th P.M. in Holt County		Acres
Section 28:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	23.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	35.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.6
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	4.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.8
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.1
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.2
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	11.0
Section 33:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>1.4</u>
	TOTAL	234.9

2. All terms and conditions of appropriation A-10993R (including those inherited from A-10993) remain in effect unless specifically changed by this Order.

DEPARTMENT OF NATURAL RESOURCES

February 9, 2009

/s/
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed on February _____, 2009, to the following:

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