

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-11019

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-11019 is held by Lonnie A. Breiner.
2. Appropriation A-11019 authorizes the use of water for irrigation of the 247.3 acres of land described below. The water may be diverted from Big Sandy Creek at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 32 North, Range 15 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 3.53 cfs (1584 gallons per minute).

<u>Township 32 North, Range 15 West of the</u>		<u>6th P.M. in Holt County</u>	<u>Acres</u>
Section 10:	SW $\frac{1}{4}$ SE $\frac{1}{4}$		6.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$		10.0
Section 15:	NW $\frac{1}{4}$ NE $\frac{1}{4}$		11.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$		40.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$		24.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$		40.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$		15.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$		40.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$		20.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>40.0</u>
	TOTAL		247.3

3. On December 3, 2008, Lonnie A. Breiner filed application EXT-1593 for a permit for an expedited transfer of the location of use for 207.3 acres of the 247.3 acres under surface water appropriation A-11019.
4. On December 3, 2008, Lonnie A. Breiner filed application REL-1594 for a partial relinquishment of water under appropriation A-11019 relinquishing the right to divert water under A-11019, for use on the land described below.

<u>Township 32 North, Range 15 West of the</u>		<u>6th P.M. in Holt County</u>	<u>Acres</u>
Section 10:	SW $\frac{1}{4}$ SE $\frac{1}{4}$		6.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$		10.0
Section 15:	NE $\frac{1}{4}$ NE $\frac{1}{4}$		13.2
	NE $\frac{1}{4}$ SE $\frac{1}{4}$		5.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>4.7</u>
	TOTAL		40.0

Order

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-11019 at the rate of 0.57 cfs is CANCELLED for use on the land described below.

Township 32 North, Range 15 West of the 6 th P.M. in Holt County		Acres
Section 10:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
Section 15:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	13.2
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.7</u>
	TOTAL	40.0

2. Appropriation A-11019 now permits Lonnie A. Breiner to divert water from Big Sandy Creek to irrigate 207.3 acres of land described below. The point of diversion remains in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 32 North, Range 15 West of the 6th P.M. in Holt County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 2.96 cfs (1328 gallons per minute).

Township 32 North, Range 15 West of the 6 th P.M. in Holt County		Acres
Section 15:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	26.8
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	24.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>35.3</u>
TOTAL	207.3	

3. All terms and conditions of appropriation A-11019 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:

Lonnie A. Breiner
89265 472nd Avenue
Stuart NE 68780