

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-12812

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-12812 is held by Lonnie A. Breiner.
2. Appropriation A-12812 authorizes the use of water for irrigation of the 234.0 acres of land described below. The water may be diverted from Big Sandy Creek at points of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 31 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 combined rate of 3.34 cfs (1499 gallons per minute) from all points of diversion.

Township 31 North, Range 15 West of the 6 th P.M. in Holt County		Acres
Section 3:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	23.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	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
	TOTAL	234.0

3. On December 3, 2008, Lonnie A. Breiner filed application EXT-1598 for a permit for an expedited transfer of the location of use for 224.4 acres of the 234.0 acres under surface water appropriation A-12812.
4. On December 3, 2008, Lonnie A. Breiner filed application REL-1599 for a partial relinquishment of water under appropriation A-12812, relinquishing the right to divert water under A-12812, for use on the land described below.

Township 31 North, Range 15 West of the 6 th P.M. in Holt County		Acres
Section 3:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.8
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.8
	TOTAL	9.6

Order

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-12812 at the rate of 0.13 cfs is CANCELLED for use on the land described below.

<u>Township 31 North, Range 15 West of the</u>		
<u>6th P.M. in Holt County</u>		<u>Acres</u>
Section 3:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.8
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.8</u>
	TOTAL	9.6

2. Appropriation A-12812 now permits Lonnie A. Breiner to divert water from Big Sandy Creek to irrigate 224.4 acres of land described below. The points of diversion remain in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 31 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 combined rate of 3.21 cfs (1441 gallons per minute) from all points of diversion.

<u>Township 31 North, Range 15 West of the</u>		
<u>6th P.M. in Holt County</u>		<u>Acres</u>
Section 3:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	23.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.2
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>35.2</u>
	TOTAL	224.4

3. All terms and conditions of appropriation A-12812 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