

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-12821

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-12821 is held by Lonnie A. Breiner.
2. Appropriation A-12821 authorizes the use of water for irrigation of the 557.0 acres of land described below. The water may be diverted from Spring Creek at points of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, Township 31 North, Range 15 West of the 6<sup>th</sup> 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 7.96 cfs (3572 gallons per minute) from all points of diversion.

	Township 31 North, Range 15 West of the 6 <sup>th</sup> P.M. in Holt County	Acres
Section 3:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
Section 4:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ 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
	TOTAL	557.0

3. On December 3, 2008, Lonnie A. Breiner filed application EXT-1596 for a permit for an expedited transfer of the location of use for 222.1 acres of the 557.0 acres under surface water appropriation A-12821.

4. On December 3, 2008, Lonnie A. Breiner filed application REL-1597 for a partial relinquishment of water under appropriation A-12821, relinquishing the right to divert water under A-12821, for use on the land described below.

Township 31 North, Range 15 West of the 6 <sup>th</sup> P.M. in Holt County		Acres
Section 3:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.7
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.9
Section 4:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27.7
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.3
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.2
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.8
	TOTAL	334.9

Order

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-12821 at the rate of 4.79 cfs is CANCELLED for use on the land described below.

Township 31 North, Range 15 West of the 6 <sup>th</sup> P.M. in Holt County		Acres
Section 3:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.7
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.9
Section 4:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27.7
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.3
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.2
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.8
	TOTAL	334.9

