STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18364

WATER DIVISION 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18364 is held by Dan Saathoff.

2. Appropriation A-18364 authorizes the use of water for irrigation of the 97.6 acres of land described below. The water may be diverted from Mission Creek at points of diversion located on the right bank of the stream in the NW¼NW¼ and the SW¼NW¼ of Section 31, Township 1 North, Range 8 East of the 6th P.M. in Gage 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 1.40 cfs from all points of diversion.

Township 1 North, Range 7 East of the 6th P.M. in Gage County		Acres
Section 36:	NE¼NE¼	11.7
	SE¼NE¼	12.9

Township 1 North, Range 8 East of the 6th P.M. in Gage County		Acres
Section 31:	NW¼NW¼	35.2
	SW¼NW¼	37.8
	TOTAL	97.6

3. The approval of appropriation A-18364 was conditioned upon the irrigation of the above lands by September 1, 2009.

4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18364 had not been irrigated by September 1, 2009.

5. Nebraska Revised Statutes Section 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

Order

IT IS HEREBY ORDERED:

1. Part of appropriation A-18364 at the rate of 0.04 cfs for use upon the land described below is CANCELLED.

Township 1 North, Range 7 East of the 6th P.M. in Gage County		Acres
Section 36:	NE¼NE¼	2.1

Township 1 North, Range 8 East of the 6th P.M. in Gage County		Acres
Section 31:	NW¼NW¼	0.4
	TOTAL	2.5

2. Appropriation A-18364 now permits Dan Saathoff to divert water from Mission Creek to irrigate the 95.1 acres of land described below and depicted on map number 17667 which is made a part of this Order. The point of diversion is located in the SW¼NW¼ of Section 31, Township 1 North, Range 8 East of the 6th P.M. in Gage County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.36 cfs (610 gallons per minute).

Township 1 North, Range 7 East of the 6th P.M. in Gage County		Acres
Section 36:	NE¼NE¼	9.6
	SE¼NE¼	12.9

Township 1 North, Range 8 East of the 6th P.M. in Gage County		Acres
Section 31:	NW¼NW¼	34.8
	SW¼NW¼	37.8
	TOTAL	95.1

3. All terms and conditions of appropriation A-18364 remain in effect unless specifically changed by this Order.

4. The appropriator must comply with all relevant statutes. This includes, but is 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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

June 18, 2010

Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 17667 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 17667 were mailed on June 18, 2010, to the following:

Dan Saathoff
9791 East Willow Road
Wymore, Nebraska 68466