

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14843

CASE NUMBER 2014-6-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14843 is held by the Valeria L. Wozny Trust.
2. On February 14, 2014, Roger J. Wozny filed in the Department correspondence that his mother, Valeria L. Wozny, had passed and a Notice of Change of Ownership indicating that he is the Successor Trustee to the Valeria L. Wozny Trust.
3. Appropriation A-14843 with a priority date of March 23, 1977, authorizes the use of water for irrigation of the 320.0 acres of land described below. The water may be diverted from the Loup River at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 16 North, Range 5 West of the 6th P.M. in Nance 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 4.57 cfs.

Township 17 North, Range 5 West of the
6th P.M. in Nance County

	Acres
Section 33: 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 $\frac{1}{4}$ 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 $\frac{1}{4}$	<u>40.0</u>
TOTAL	320.0

4. The Department has received information concerning the use of surface water appropriation A-14843 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

5. On January 17, 2014, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-14843 had not been irrigated for at least five years:

Township 17 North, Range 5 West of the 6 th P.M. in Nance County		Acres
Section 33:	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 $\frac{1}{4}$	33.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.3
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>12.7</u>
	TOTAL	220.2

6. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Valeria L. Wozny Trust, P.O. Box 38, Fullerton, Nebraska 68638; Rose Jarosz, P.O. Box 356, Cedar Rapids, Nebraska 68627; Roger Wozny, 419 South 198th Street, Elkhorn, Nebraska 68022.
7. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-14843 at the rate of 3.14 cfs for use upon the land described below is CANCELLED.

Township 17 North, Range 5 West of the 6 th P.M. in Nance County		Acres
Section 33:	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 $\frac{1}{4}$	33.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.3
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>12.7</u>
	TOTAL	220.2

2. Appropriation A-14843 now authorizes the appropriator to divert water from the Loup River to irrigate the 99.8 acres of land described below and depicted on map number 18833 which is made a part of this Order. The point of diversion remains in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 16 North, Range 5 West of the 6th P.M. in Nance County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.43 cfs (642 gallons per minute).

Township 17 North, Range 5 West of the 6 th P.M. in Nance County	Acres
Section 33: SW $\frac{1}{4}$ NE $\frac{1}{4}$	7.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.7
SW $\frac{1}{4}$ SE $\frac{1}{4}$	24.7
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>27.3</u>
TOTAL	99.8

3. All terms and conditions of appropriation A-14843 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).
5. 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

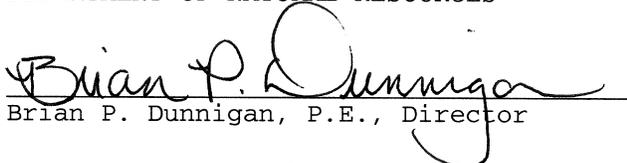
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

March 28, 2014


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 docket clerk and field office in Ord, Nebraska. A copy of this Order was mailed on March 28, 2014, to the following:

Roger Wozny, Successor Trustee
Valeria L. Wozny Trust
419 South 198th Street
Elkhorn, Nebraska 68022

Daniel Malander
22275 State Hwy 52
Belgrade, Nebraska 68623

Rose Jarosz
P.O. Box 356
Cedar Rapids, Nebraska 68627