

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18154

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18154 is held by Lower Big Blue Natural Resources District on behalf of landowner Gary Meyer.
2. Appropriation A-18154, with a priority date of March 14, 2003, authorizes the use of water for irrigation of the 76.6 acres of land described below. The water may be diverted from Swan Creek Reservoir No. 9 (storage appropriation A-17625) at a point of diversion located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 5 North, Range 2 East of the 6th P.M. in Saline County. Water diverted shall not exceed 76.6 acre-feet per annum.

<u>Township 5 North, Range 2 East of the</u>		
<u>6th P.M. in Saline County</u>		<u>Acres</u>
Section 3:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>39.0</u>
	TOTAL	76.6

3. The approval of appropriation A-18154 was conditional upon the irrigation of the above lands by September 1, 2005.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18154 had not been irrigated by September 1, 2005.
5. *Nebraska Revised Statutes* § 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-18154 for use upon the land described below is CANCELLED.

<u>Township 5 North, Range 2 East of the</u>		
<u>6th P.M. in Saline County</u>		<u>Acres</u>
Section 3:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.2

2. Appropriation A-18154 now permits the appropriator to divert water from Swan Creek Reservoir No.9 (storage appropriation A-17625) to irrigate the 72.4 acres of land described below and depicted on map number 18125 which is made a part of this Order. The point of diversion remains in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 5 North, Range 2 East of the 6th P.M. in Saline County. Water diverted shall not exceed 76.6 acre-feet per annum.

Township 5 North, Range 2 East of the 6 th P.M. in Saline County		Acres
Section 3:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>34.8</u>
	TOTAL	72.4

3. All terms and conditions of appropriation A-18154 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.

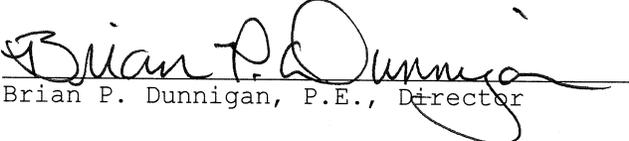
ADDITIONAL INFORMATION

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.

DEPARTMENT OF NATURAL RESOURCES

March 21, 2012


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 18125 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 18125 were mailed on March 21, 2012, to the following:

Lower Big Blue Natural Resources District
P.O. Box 826
Beatrice, NE 68310

Gary Meyer
836 State Highway 74
Western, Nebraska 68464