

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18544

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18544 is held by Gene Timperley.
2. Appropriation A-18544, with a priority date of October 22, 2007, authorizes the use of water for irrigation of the 90.9 acres of land described below. The appropriator is allowed to divert 20.9 acre-feet annually from the Timperley Reservoir, storage permit A-18543, at a point of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 32 North, Range 10 West of the 6th P.M. in Holt County.

<u>Township 32 North, Range 10 West of the 6th P.M. in Holt County</u>		<u>Acres</u>
Section 33: SW $\frac{1}{4}$ SW $\frac{1}{4}$		37.1
SE $\frac{1}{4}$ SW $\frac{1}{4}$		38.1
SE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>15.7</u>
TOTAL		90.9

3. The approval of appropriation A-18544 was conditional upon the irrigation of the above lands by September 1, 2010.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18544 had not been irrigated by September 1, 2010.
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-18544 for use upon the land described below is CANCELLED.

<u>Township 32 North, Range 10 West of the 6th P.M. in Holt County</u>		<u>Acres</u>
Section 33: SE $\frac{1}{4}$ SW $\frac{1}{4}$		31.0

2. Appropriation A-18544 now permits the appropriator to divert 20.9 acre-feet annually from the Timperley Reservoir, storage permit A-18543, to irrigate the 59.9 acres of land described below and depicted on map number 17739 which is made a part of this Order. The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 32 North, Range 10 West of the 6th P.M. in Holt County.

Township 32 North, Range 10 West of the 6 th P.M. in Holt County		Acres
Section 33:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.1
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>15.7</u>
	TOTAL	59.9

3. All terms and conditions of appropriation A-18544 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.

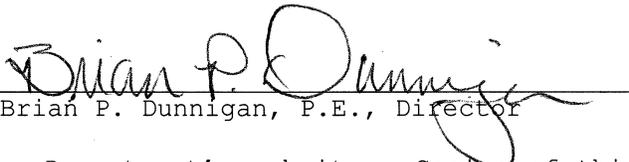
ADDITIONAL INFORMATION

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

December 21, 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 17739 were provided to the Department's field office in

Ord, Nebraska. Copies of the field investigation, this Order and map number 17739 were mailed on December 21, 2010, to the following:

Gene Timperley
50077 888th Road
Lynch, Nebraska 68746