

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-6993

CASE NUMBER 2013-44-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6993 is held by Randal J. and Elizabeth A. Keehn.
2. A search of the records of the Nance County Register of Deeds indicates a Deed of Trust was filed on the land appurtenant to appropriation A-6993. The Trustee is Thomas B. Thomsen; the Beneficiary is Thomas M. Pedersen, Trustee of the Duane M. Pedersen Revocable Trust Agreement and Anna M. Pedersen, Trustee of the Anna M. Pedersen Revocable Trust Agreement.
3. Appropriation A-6993 with a priority date of January 12, 1955, authorizes the use of water for irrigation of the 179.1 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 17 North, Range 7 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 1.28 cfs.

Township 17 North, Range 7 West of the 6 th P.M. in Nance County		Acres
Section 24:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
Section 25:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
	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 $\frac{1}{4}$	39.0
	TOTAL	179.1

4. The Department has received information concerning the use of surface water appropriation A-6993 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

5. On July 17, 2013, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-6993 had not been irrigated for at least five years:

<u>Township 17 North, Range 7 West of the</u>		
<u>6th P.M. in Nance County</u>		<u>Acres</u>
Section 24:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
Section 25:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.4
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.3
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.2
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>6.5</u>
	TOTAL	30.4

6. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Randal J. and Elizabeth A. Keehn, 21630 North 505th Street, Belgrade, Nebraska 68623; Duane M. Pedersen, Trustee, Duane M. Pedersen Revocable Trust Agreement, 1661 County Road 16, Ames, Nebraska 68621; Anna M. Pedersen, Trustee, Anna M. Pedersen Revocable Trust Agreement, 1661 County Road 16, Ames, Nebraska 68621; and Thomas B. Thomsen, 2934 Deer Run, Fremont, Nebraska 68025
7. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-6993 at the rate of 0.22 cfs for use upon the land described below is CANCELLED.

<u>Township 17 North, Range 7 West of the</u>		
<u>6th P.M. in Nance County</u>		<u>Acres</u>
Section 24:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
Section 25:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.4
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.3
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.2
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>6.5</u>
	TOTAL	30.4

2. Appropriation A-6993 now authorizes the appropriator to divert water from the Cedar River to irrigate the 148.7 acres of land described below and depicted on map number 18577 which is made a part of this Order. The point of diversion remains in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 17 North, Range 7 West of the 6th P.M. in Nance County. The rate that water may be diverted shall not exceed one cfs for every 140 acres irrigated at a maximum rate of 1.06 cfs (476 gallons per minute).

<u>Township 17 North, Range 7 West of the</u>		
<u>6th P.M. in Nance County</u>		<u>Acres</u>
Section 25:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.6
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.7
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35.8
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33.5
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>39.0</u>
	TOTAL	148.7

3. All terms and conditions of appropriation A-6993 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, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

November 7, 2013


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 18577 were provided to the Department's docket clerk and field office in Ord, Nebraska. Copies of this Order and map number 18577 were mailed on November 7, 2013, to the following:

Randal J. and Elizabeth A. Keehn
21630 North 505th Street
Belgrade, Nebraska 68623

Thomas B. Thomsen, Trustee
2934 Deer Run
Fremont, Nebraska 68025