

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19477

AND APPROVAL OF MAP NUMBER 20895

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19477 is held by the Loup Basin Reclamation District.
2. Appropriation A-19477 has a priority date of October 26, 2016, and authorizes the appropriator the use of 340.2 acre-feet annually from Sherman Reservoir (storage appropriation A-4923B) via the headgate of the Farwell Irrigation District Main Canal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 01, Township 15 North, Range 14 West of the 6th P.M. in Sherman County.
3. The approval of appropriation A-19477 was conditional upon the irrigation of the above land by September 1, 2021.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19477 had not been irrigated by September 1, 2021.
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-19477 in the amount of 66.6 acre feet of water from Sherman Reservoir for use upon 66.6 acres of land is CANCELLED.

2. Appropriation A-19477 now permits the appropriator to divert 273.6 acre-feet of water from Sherman Reservoir (storage appropriation A-4923B) to irrigate the 273.6 acres of land described below and depicted on map number 20895 which is made a part of this Order.

<u>Township 15 North, Range 12 West of the 6th P.M. in Howard County</u>			<u>Township 14 North, Range 12 West of the 6th P.M. in Howard County</u>		
		Acres			Acres
Section 07:	NW ¹ / ₄ SE ¹ / ₄	20.4	Section 17:	NE ¹ / ₄ NW ¹ / ₄	2.8
	SW ¹ / ₄ SE ¹ / ₄	3.8		SW ¹ / ₄ NW ¹ / ₄	3.4
	SE ¹ / ₄ SE ¹ / ₄	3.1		SE ¹ / ₄ NW ¹ / ₄	1.6
Section 23:	SE ¹ / ₄ SW ¹ / ₄	15.5	Section 22:	NW ¹ / ₄ NE ¹ / ₄	4.4
Section 36:	NW ¹ / ₄ SW ¹ / ₄	3.8		SW ¹ / ₄ NE ¹ / ₄	31.2
	SW ¹ / ₄ SW ¹ / ₄	0.4	Section 36:	NE ¹ / ₄ NW ¹ / ₄	3.6
				SE ¹ / ₄ NW ¹ / ₄	6.1
<u>Township 15 North, Range 11 West of the 6th P.M. in Howard County</u>			<u>Township 14 North, Range 11 West of the 6th P.M. in Howard County</u>		
		Acres			Acres
Section 30:	NE ¹ / ₄ NW ¹ / ₄	8.9	Section 08:	NE ¹ / ₄ NW ¹ / ₄	2.7
	SW ¹ / ₄ NW ¹ / ₄	11.4			
	SE ¹ / ₄ NW ¹ / ₄	7.4			
	NW ¹ / ₄ SE ¹ / ₄	7.5			
Section 32:	NE ¹ / ₄ NW ¹ / ₄	13.2	Section 02:	NE ¹ / ₄ SE ¹ / ₄	6.3
	SW ¹ / ₄ NW ¹ / ₄	0.3	Section 11:	NW ¹ / ₄ SE ¹ / ₄	5.8
	SE ¹ / ₄ NW ¹ / ₄	12.7		NE ¹ / ₄ SE ¹ / ₄	1.3
				SW ¹ / ₄ NE ¹ / ₄	5.9
				SE ¹ / ₄ NE ¹ / ₄	2.8
<u>Township 14 North, Range 13 West of the 6th P.M. in Sherman County</u>			<u>Township 13 North, Range 11 West of the 6th P.M. in Howard County</u>		
		Acres			Acres
Section 09:	NE ¹ / ₄ SE ¹ / ₄	9.3	Section 16:	NE ¹ / ₄ NW ¹ / ₄	13.0
Section 11:	NE ¹ / ₄ SW ¹ / ₄	12.0		SE ¹ / ₄ NW ¹ / ₄	14.0
Section 15:	NE ¹ / ₄ NW ¹ / ₄	6.4		NW ¹ / ₄ NE ¹ / ₄	10.5
	SE ¹ / ₄ NW ¹ / ₄	2.9		TOTAL	273.6
Section 36:	NW ¹ / ₄ NE ¹ / ₄	18.6			
	SW ¹ / ₄ NE ¹ / ₄	0.6			

3. The water may be diverted from Sherman Reservoir via the headgate of the Farwell Irrigation District Main Canal located in the SW¹/₄NW¹/₄ of Section 01, Township 15 North, Range 14 West of the 6th P.M. in Sherman County, as depicted on map number 20895.
4. All terms and conditions of the approval of appropriation A-19477 remain in effect unless specifically changed by this Order.
5. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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



Thomas E. Riley, P.E., Director

February 11, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20895 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 20895 were mailed on February 11, 2022, to the following:

Matt Lukasiewicz, General Manager
Loup Basin Reclamation District
P.O. Box 137
Farwell, Nebraska 68838

Farwell Irrigation District
P.O. Box 137
Farwell, Nebraska 68838