

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19739A

AND APPROVAL OF MAP NUMBER 20906

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19739A is held by Duane R. and Sandra Kerkman.
2. Appropriation A-19739A has a priority date of December 21, 2020, and authorizes the use of 177.2 acre-feet of water annually from Kerkman's Reservoir (storage appropriation A-10129) from a pump site located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, and withdrawn from the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, both in Township 24 North, Range 06 West of the 6th P.M. in Antelope County for irrigation of the 156.4 acres of land described below.

<u>Township 24 North, Range 06 West of the</u>		
<u>6th P.M. in Antelope County</u>		<u>Acres</u>
Section 22:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.6
Section 27:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.8
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	35.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>35.2</u>
	TOTAL	156.4

3. Appropriation A-19739A provides supplemental water to land authorized for irrigation under A-19678.
4. Storage appropriation A-10129 provides supplemental water to irrigate land under several storage use appropriations. The total amount of water under these permits will be limited to the amount of water beneficially used and will not exceed 177.2 acre-feet per annum for all storage use appropriations.

5. On January 26, 2022, Duane R. and Sandra Kerkman and Jeffrey D. and Rebecca Jo Kerkman filed relinquishment REL-9546, relinquishing the right to divert water under a portion of appropriation A-19739A to irrigate the 94.0 acres of land described below.

Township 24 North, Range 06 West of the 6 th P.M. in Antelope County		Acres
Section 22:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.0
Section 27:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.3
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>35.2</u>
	TOTAL	94.0

ORDER

IT IS HEREBY ORDERED:

- Part of appropriation A-19739A for use upon the 94.0 acres of land described above is CANCELLED.
- Appropriation A-19739A now authorizes the appropriator to divert 177.2 acre-feet of water annually from Kerkman's Reservoir (storage appropriation A-10129) from a reservoir pump site located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, which is used to release water into a tributary of Cedar Creek. Water will be withdrawn from the stream at a pump site located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, both in Township 24 North, Range 06 West of the 6th P.M. in Antelope County.

Township 24 North, Range 06 West of the 6 th P.M. in Antelope County		Acres
Section 22:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6
Section 27:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.8
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>25.7</u>
	TOTAL	62.4

- All terms and conditions of previous orders for appropriation A-19739 remain in effect unless specifically changed by this Order.
- The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
 - Notify the Department of any change in ownership or address.
 - 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



Thomas E. Riley, P.E., Director

March 1, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20906 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 20906 were mailed on March 1, 2022, to the following:

Duane and Sandra Kerkman
52228 838 Road
Elgin, Nebraska 68636

Jeffrey D. And Rebecca Jo Kerkman
405 P Street
Neligh, Nebraska 68756