

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-15191

AND APPROVAL OF MAP NUMBER 20921

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the NW $\frac{1}{4}$ of Section 32, Township 31 North, Range 06 West of the 6th P.M. in Knox County appurtenant to surface water appropriation A-15191 is held by Duane E. Mlady et al.
2. Records on file in the Department show that land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32 of said legal description appurtenant to surface water appropriation A-15191 is owned by Herbert Feed & Grain Co.
3. Appropriation A-15191 has a priority date of March 1, 1978, and authorizes the use of water for irrigation of the 67.0 acres of land described below. The water may be diverted from Verdigre Creek at points of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and on the right bank in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 31 North, Range 06 West of the 6th P.M. in Knox County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.96 cfs from all points of diversion.

Township 31 North, Range 06 West of the 6 th P.M. in Knox County	Acres
Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	17.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	15.0
TOTAL	67.0

4. On March 7, 2022, Louis Herbert, on behalf of Herbert Feed & Grain Co., filed relinquishment REL-9604, relinquishing the right to divert water under a portion of appropriation A-15131 to irrigate the 15.0 acres of land described below.

Township 31 North, Range 06 West of the 6 th P.M. in Knox County	Acres
Section 32: SE $\frac{1}{4}$ SE $\frac{1}{4}$	15.0

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-15191 at the rate of 0.22 cfs for use upon the 15 acres of land described above is CANCELLED.
2. Appropriation A-15191 now authorizes the appropriator to divert water from Verdigre Creek to irrigate the 52 acres of land described below and depicted on map number 20921 which is made a part of this Order. Two points of diversion will remain in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 31 North, Range 06 West of the 6th P.M. in Knox County, as depicted on map number 20921. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.74 cfs (332 gallons per minute) from all points of diversion.

Township 31 North, Range 06 West of the 6 th P.M. in Knox County		Acres
Section 32:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.5
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	17.0
	TOTAL	52.0

3. Appropriations which are not beneficially used for the approved purpose for a period exceeding five consecutive years are subject to cancellation.
4. All terms and conditions of appropriation A-15191 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, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES



April 7, 2022

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20921 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 20921 were mailed to the following:

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