STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19626

AND APPROVAL OF MAP NUMBER 20951

WATER DIVISION 2-A

BACKGROUND

- 1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19626 is held by Andy Bredthauer and Glen Bredthauer.
- 2. Appropriation A-19626, with a priority date of January 28, 2019, authorizes the use of water for irrigation of 210.5 acres of land. The water may be diverted from the North Branch of Mira Creek at points of diversion located on both banks of the stream in the NW4SE4 of Section 24, Township 18 North, Range 14 West and the W4NE4 of Section 19, Township 18 North, Range 13 West of the 6th P.M. all in Valley 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 3.01 cfs from all points of diversion.
- 3. The approval of appropriation A-19626 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-19626 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-19626 at the rate of 0.83 cfs for use upon 58.1 acres of land is CANCELLED.

2. Appropriation A-19626 now permits the appropriator to divert water from the North Branch of Mira Creek to irrigate the 152.4 acres of land described below and depicted on map number 20951 which is made a part of this Order.

Township	18	North,	Range	14	West	of	the
6 th P.M.	in '	Valley	County			Ac	cres
Section 2	24:	NE⅓NE¹	4				3.5
		SW⁴4NE¹	4			_	11.4
		SE ¹ 4NE ¹	4				8.2
		NW¹₄SE¹	4			1	19.2
NE ¹ 4SE ¹ 4					3	32.4	
SW ¹ 4SE ¹ 4					-	15.5	
		SE ¹ ₄SE ¹	4			2	20.7
Township	18	North,	Range	13	West	of	the
Township 6th P.M.			_		West		the
_			_		West		
_	in '	Valley	County		West	Ac	
6 th P.M.	in '	Valley	County 4		West	Ac	cres
6 th P.M.	in '	Valley NW⅓NW³	County 4		West	Ac	cres 16.1
6 th P.M.	in '	Valley NW⅓NW³ NE¾NW³	County 4 4		West	Ac	16.1 2.0
6 th P.M.	in '	NW ¹ 4NW ¹ NE ¹ 4NW ¹ SE ¹ 4NW ¹	County 4 4 4		West	Ac	16.1 2.0 2.4

- 3. The water may be diverted from the North Branch of Mira Creek at points of diversion located on both banks of the stream in the NW4SE4 of Section 24, Township 18 North, Range 14 West and the W4NE4 of Section 19, Township 18 North, Range 13 West of the 6th P.M. all in Valley County, as depicted on map number 20951. Water diverted shall not exceed a maximum rate of 2.18 cfs (978 gallons per minute).
- 4. All terms and conditions of the approval of appropriation A-19626 remains 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

May 3, 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 20951 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 20951 were mailed to the following:

Andy and Glen Bredthauer 105 North 18th Street Ord, Nebraska 68862 Jay Knapp 47847 806th Road Ord, Nebraska 68862