

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-17280

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17280 is held by Rodney J. and Cameron G. Palmer.
2. Appropriation A-17280 has a priority date of April 29, 1993, and authorizes the use of water for irrigation of the 47.0 acres of land described below. The water may be diverted from the Niobrara River at points of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, both in Township 32 North, Range 22 West of the 6th P.M. in Keya Paha 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 0.67 cfs from all points of diversion.

<u>Township 32 North, Range 22 West of the 6th P.M. in Keya Paha County</u>	<u>Acres</u>
Section 11: NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0
Section 12: NW $\frac{1}{4}$ SW $\frac{1}{4}$	17.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>27.0</u>
TOTAL	47.0

3. On May 10, 2022, Rodney J. Palmer and Cameroon G. Palmer filed in the Department relinquishment REL-9675, relinquishing the right to divert water under a portion of appropriation A-17280 to irrigate the 6.5 acres of land depicted on Map 21002 and described below.

<u>Township 32 North, Range 22 West of the 6th P.M. in Keya Paha County</u>	<u>Acres</u>
Section 12: SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.5

4. On May 17, 2022, Rodney J. Palmer filed map number 21002 showing the 6.5 acres of land appurtenant to appropriation A-17280 that will be cancelled by relinquishment REL-9675.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-17280 at the rate of 0.09 cfs for use upon the 6.5 acres of land described above is CANCELLED.

2. Appropriation A-17280 now authorizes the appropriator to divert water from the Niobrara River to irrigate 40.5 acres of land. The points of diversion remain in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, both in Township 32 North, Range 22 West of the 6th P.M. in Keya Paha County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.58 cfs (260 gallons per minute) from all points of diversion.

<u>Township 32 North, Range 22 West of the 6th P.M. in Keya Paha County</u>	<u>Acres</u>
Section 11: NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0
Section 12: NW $\frac{1}{4}$ SW $\frac{1}{4}$	17.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>20.5</u>
TOTAL	40.5

3. All terms and conditions of previous orders for appropriation A-17280 remain in effect unless specifically changed by this Order.
4. 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



Thomas E. Riley, P.E., Director

June 2, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21002 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21002 were mailed to the following:

Rodney J. and Cameron G. Palmer
P.O. Box 127
Ainsworth, Nebraska 69210