

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER MERGING WATER APPROPRIATIONS A-19717A AND A-19717B,

CANCELLATION IN PART

AND APPROVAL OF MAP NUMBER 21106

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriations A-19717A and A-19717B are held by Anthony P. and the Jean Ann Tangeman Trust.
2. Because all of the land appurtenant to A-19717A and A-19717B is owned by Anthony P. and the Jean Ann Tangeman Trust applications A-19717A and A-19717B should be combined into one appropriation, A-19717C.
3. Appropriations A-19717A and A-19717B have a priority date of July 10, 2020 and authorize the use of water for irrigation of 179.1 acres of land; 149.9 acres under A-19717A, and 29.2 acres under A-19717B. The water may be diverted from the South Fork of the Big Nemaha River at a point of diversion located on the left bank of the stream in the NE¹/₄NE¹/₄ of Section 05, Township 01 North, Range 13 East of the 6th P.M. in Richardson County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a combined maximum rate of 2.56 cfs.
4. The approval of appropriations A-19717A and A-19717B was conditional upon the irrigation of the 179.1 acres of land by September 1, 2022.
5. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriations A-19717A and A-19717B had not been irrigated by September 1, 2022.
6. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Appropriations A-19717A and A-19717B are merged into appropriation A-19717C.
2. Part of appropriation A-19717C at the rate of 0.50 cfs for use upon 34.7 acres of land is CANCELLED.

3. Appropriation A-19717C now permits the appropriator to divert water from the South Fork of the Big Nemaha River to irrigate the 144.4 acres of land described below and depicted on map number 21106 which is made a part of this Order.

<u>Township 01 North, Range 13 East of the</u>	
<u>6th P.M. in Richardson County</u>	
	<u>Acres</u>
Section 04: NW ¹ / ₄ NW ¹ / ₄	0.7
Section 05: NW ¹ / ₄ NE ¹ / ₄	26.0
NE ¹ / ₄ NE ¹ / ₄	29.9
SW ¹ / ₄ NE ¹ / ₄	11.6
SE ¹ / ₄ NE ¹ / ₄	7.8
<u>Township 02 North, Range 13 East of the</u>	
<u>6th P.M. in Richardson County</u>	
	<u>Acres</u>
Section 32: SW ¹ / ₄ SE ¹ / ₄	12.8
SE ¹ / ₄ SE ¹ / ₄	37.7
Section 33: SW ¹ / ₄ SW ¹ / ₄	<u>17.9</u>
TOTAL	144.4

4. The water may be diverted from the South Fork of the Big Nemaha River at a point of diversion located on the left bank of the stream in the NE¹/₄NE¹/₄ of Section 05, Township 01 North, Range 13 East of the 6th P.M. in Richardson County, as depicted on map number 21106. Water diverted shall not exceed a maximum rate of 2.06 cfs (925 gallons per minute).
5. All terms and conditions of the approval of appropriation A-19717A and A-19717B remain in effect for A-19717C unless specifically changed by this Order.
6. 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



December 6, 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 21106 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 21106 were mailed to the following:

Anthony P. Tangeman
2522 I Road
Seneca, Kansas 66538

Jean Ann Tangeman, Trustee
Jean Ann Tangeman Trust
2522 I Road
Seneca, Kansas 66538