

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-10600

AND APPROVAL OF MAP NUMBER 21170

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10600 is held by Nathan L. and Tiffany J. Buhr; Jerry and Samantha Loeffler; and Laurie J. Harms.
2. Appropriation A-10600 has a priority date of April 5, 1965, and authorized the use of water for irrigation of the 118.0 acres of land described below. Diversion was approved from Badger Branch Creek at points of diversion located on the right bank of the stream in the NW¼ of Section 32, Township 05 North, Range 11 East of the 6<sup>th</sup> P.M. in Johnson 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 1.68 cfs from all points of diversion.

<u>Township 05 North, Range 11 East of the 6<sup>th</sup> P.M. in Johnson County</u>	<u>Acres</u>
Section 32: NE¼NW¼	33.0
SE¼NW¼	9.0
NW¼SW¼	38.0
NE¼SW¼	<u>38.0</u>
TOTAL	118.0

3. The Department has received information concerning the use of surface water appropriation A-10600 and determined that the appropriation has not been used for irrigation purposes for more than five consecutive years as required under Nebraska law. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse under Neb. Rev. Stat. § 46-229.04
4. On February 21, 2023, Jerry and Samantha Loeffler filed relinquishment REL-9843, relinquishing the right to divert water under their appurtenant portion of appropriation A-10600.
5. On February 27, 2023, Nathan L. and Tiffany J. Buhr filed relinquishment REL-9842, relinquishing the right to divert water under their appurtenant portion of appropriation A-10600.

6. The acres relinquished by REL-9842 and REL-9843 are as follows:

<u>Township 05 North, Range 11 East of the</u>		
<u>6<sup>th</sup> P.M. in Johnson County</u>		<u>Acres</u>
Section 32:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	28.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>38.0</u>
	TOTAL	113.1

7. Upon completion of this Order of Cancellation for the preceding portion of land approved for irrigation under A-10600, the Department will issue a Notice of Preliminary Determination of Nonuse (PDNU) for the remaining appurtenant land owned by Laurie J. Harms in accordance with Neb. Rev. Stat. § 46-229.02

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-10600 at the rate of 1.61 cfs for use upon the 113.1 acres of land described above is CANCELLED.
2. The Department will initiate formal cancellation proceedings by issuing a PDNU on the remaining acres appurtenant to appropriation A-10600 owned by Laurie J. Harms, which are depicted on map number 21170 and made a part of this Order of Cancellation. The associated points of diversion are in the NW $\frac{1}{4}$  of Section 32, Township 05 North, Range 11 East of the 6<sup>th</sup> P.M. in Johnson County, as depicted on map number 21170. The original application was approved at a ratio of one cfs for every 70 acres irrigated. The rate associated with the acres listed below is 0.07 cfs, which is the amount subject to cancellation for nonuse.

<u>Township 05 North, Range 11 East of the</u>		
<u>6<sup>th</sup> P.M. in Johnson County</u>		<u>Acres</u>
Section 32:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.9

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

March 31, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21170 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21170 were mailed to the following:

Nathan L. and Tiffany J. Buhr  
P.O. Box 26  
Adams, Nebraska 68301

Laurie J. Harms  
2200 North 98<sup>th</sup> Street  
Lincoln, Nebraska 68505

Jerry and Samantha Loeffler  
613 South 11<sup>th</sup> Street  
Omaha, Nebraska 68154