STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-9675

AND APPROVAL OF MAP NUMBER 21187

WATER DIVISION 1-D

BACKGROUND

- 1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9675 is held by Patricia A. Vogel and Richard A. and Mary L. Frerichs.
- 2. Appropriation A-9675 has a priority date of December 29, 1958, and authorizes the use of water for irrigation of the 84 acres of land described below. The water may be diverted from the West Fork of the Big Blue River at a point of diversion located on the right bank of the stream in the NW4SE4 of Section 22, Township 09 North, Range 02 East of the 6th P.M. in Seward County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.20 cfs.

Township	09	North,	Range	02	East	of	the
6 th P.M.	in	Seward	County	Y		Αc	cres
Section	22:	SE ¹ 4NW	<u>1</u> 4				40
		SW ¹ 4NE	4				34
		NW ¹ ₄SE	14				10
		TOTAL					84

3. On March 27, 2023, Richard A. and Mary L. Frerichs filed relinquishment REL-7468, relinquishing the right to divert water under a portion of appropriation A-9675 to irrigate the 10.0 acres of land described below.

Township	09	North,	Range	02	East	of	the
6 th P.M.	in	Seward	County	Y		Ac	cres
Section	22:	NW⁴4SE	¹ ⁄ ₄				10

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-9675 at the rate of 0.14 cfs for use upon the 10 acres of land described above is CANCELLED.

2. Appropriation A-9675 now authorizes the appropriator to divert water from the West Fork of the Big Blue River to irrigate the 74 acres of land described below and depicted on map number 21187 which is made a part of this Order. The point of diversion remains in the NW4SE4 of Section 22, Township 09 North, Range 02 East of the 6th P.M. in Seward County, as depicted on map number 21187. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.06 cfs (476 gallons per minute).

-	North,Range 02 eward County	East	of the Acres
Section 22:	SE ¹ 4NW ¹ 4		40
	SW4NE4		34
	TOTAL		74

- 3. All terms and conditions of appropriation A-9675 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

April 24, 2023

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 21187 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21187 were mailed to the following:

Patricia A. Vogel 5730 Durham Court Lincoln, Nebraska 68516 Kevin N. Roth, Manager 357 336th Road Beaver Crossing, Nebraska 68313

Richard A. and Mary L. Frerichs $350~350^{\rm th}$ Road Beaver Crossing, Nebraska 68313