

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-8528

AND APPROVAL OF MAP NUMBER 21221

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8528 is held by Erik B. and Elaine M. Alm.
2. A search of the records of the Saunders County Register of Deeds indicates the land appurtenant to appropriation A-8528 was divided into distinct parcels and additional landowners include Wahoo Concrete; Sharon Andreson and Andrea A. Schlecht; and Gaudencio Castro Torres and Elia Francisca Rodriguez Chavez.
3. Appropriation A-8528 has a priority date of April 30, 1956, and authorizes the use of water for irrigation of the 34.8 acres of land described below. The water may be diverted from Sand Creek at a point of diversion located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 34, Township 15 North, Range 07 East of the 6<sup>th</sup> P.M. in Saunders County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.25 cfs.

Township 15 North, Range 07 East of the 6 <sup>th</sup> P.M. in Saunders County	Acres
Section 34: SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.5
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.8
TOTAL	34.8

4. On March 7, 2023, Sharon Andreson filed relinquishment REL-9883 relinquishing the right to divert water under a portion of appropriation A-8528.
5. On May 4, 2023, Sharon Andresen and Andrea A. Schlecht corrected filed relinquishment REL-9883, relinquishing the right to divert water under a portion of appropriation A-8528 to irrigate the 3.1 acres of land described below.

Township 15 North, Range 07 East of the 6 <sup>th</sup> P.M. in Saunders County	Acres
Section 34: SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.1

6. On March 7, 2023, Susan Beaman, President of Wahoo Concrete Products, filed relinquishment REL-9889, relinquishing the right to divert water under a portion of appropriation A-8528.
7. On June 8, 2023, Susan Beaman, President of Wahoo Concrete Products, corrected filed relinquishment REL-9889, relinquishing the right to divert water under a portion of appropriation A-8528 to irrigate the 3.6 acres of land described below.

Township 15 North, Range 07 East of the  
6<sup>th</sup> P.M. in Saunders County                      Acres

Section 34: SW $\frac{1}{4}$ SE $\frac{1}{4}$     3.6

8. On May 8, 2023, Erik B. Alm filed relinquishment REL-9975, relinquishing the right to divert water under a portion of appropriation A-8528.
9. On July 20, 2023, Erik B. and Elaine M. Alm corrected filed relinquishment REL-9975 relinquishing the right to divert water under a portion of appropriation A-8528 to irrigate the 26.6 acres of land described below.

Township 15 North, Range 07 East of the  
6<sup>th</sup> P.M. in Saunders County                      Acres

Section 34: SE $\frac{1}{4}$ SW $\frac{1}{4}$     15.5

SW $\frac{1}{4}$ SE $\frac{1}{4}$     11.1

TOTAL    26.6

10. Upon completion of this Order of Cancellation for the preceding portion of land approved for irrigation under A-8528, the Department will issue a Notice of Preliminary Determination of Nonuse (PDNU) for the remaining appurtenant land owned by Gaudencio Castro Torres and Elia Francisca Rodriguez Chavez in accordance with Neb. Rev. Stat. § 46-229.02.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-8528 at the rate of 0.24 cfs for use upon the 33.3 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-8528 owned by Gaudencio Castro Torres and Elia Francisca Rodriguez Chavez, which are depicted on map number 21221 and made a part of this Order of Cancellation. The associated point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 34, Township 15 North, Range 07 East of the 6<sup>th</sup> P.M. in Saunders County, as depicted on map number 21221. The original application was approved at

a ratio of one cfs for every 140 acres irrigated. The rate associated with the acres listed below is 0.01 cfs, which is the amount subject to cancellation for nonuse.

<u>Township 15 North, Range 07 East of the</u> <u>6<sup>th</sup> P.M. in Saunders County</u>	<u>Acres</u>
Section 34: NW <sup>1</sup> SE <sup>1</sup> <sub>4</sub>	1.5

DEPARTMENT OF NATURAL RESOURCES



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Thomas E. Riley, P.E., Director

July 27, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21221 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21221 were mailed to the following:

Erik B. and Elaine M. Alm  
1391 County Road N  
Wahoo, Nebraska 68066

Sharon Andresen and Andrea A. Schlecht  
1715 North Highway 77  
Wahoo, Nebraska 68066

Sharon Beaman, President  
Wahoo Concrete Products  
P.O. Box 143  
Wahoo, Nebraska 68066

Gaudencio Castro Torres and  
Elia Francisca Rodriguez Chavez  
2186 North Highway 77  
Wahoo, Nebraska 68066