

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14466CR

AND APPROVAL OF MAP NUMBER 21266

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14466CR is held by Griess Family Holdings, LLC.
2. Appropriation A-14466CR with a priority date of September 16, 1976, authorizes the use of water for irrigation of the 89.0 acres of land described below. The water may be diverted from the North Branch of Verdigre Creek at points of diversion located on left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13 all in Township 30 North, Range 07 West of the 6th P.M. in Knox 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 1.27 cfs from all points of diversion.

Township 30 North, Range 07 West of the 6 th P.M. in Knox County		Acres
Section 12:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	28.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.0
Section 13:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>1.0</u>
	TOTAL	89.0

3. The Department has received information concerning the use of surface water appropriation A-14466CR that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

4. On August 30, 2023, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-14466CR had not been irrigated for more than five years:

<u>Township 30 North, Range 07 West of the 6th P.M. in Knox County</u>		<u>Acres</u>
Section 12:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	28.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.3
Section 13:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.4
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>0.3</u>
	TOTAL	74.0

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Matthew J. Greiss, Greiss Family Holdings, LLC, P.O. Box 389, Aurora, Nebraska 68818 and Mark Korth, P.O. Box 22, Humphrey, Nebraska 68642.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

1. Part of appropriation A-14466CR at the rate of 1.06 cfs for use upon the 74.0 acres of land described above is CANCELLED.
2. Appropriation A-14466CR now authorizes the appropriator to divert water to irrigate the 15.0 acres of land described below and depicted on map number 21266 which is made a part of this Order. The water may be diverted from the North Branch of Verdigre Creek at a point of diversion located on left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 30 North, Range 07 West of the 6th P.M. in Knox County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.21 cfs (94 gallons per minute).

<u>Township 30 North, Range 07 West of the 6th P.M. in Knox County</u>		<u>Acres</u>
Section 12:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.7
Section 13:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>0.7</u>
	TOTAL	15.0

3. All terms and conditions of appropriation A-14466CR 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

October 20, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21266 were provided to the Department's docket clerk and field office in Ord, Nebraska. Copies of this Order and map number 21266 were mailed to the following:

Matthew J. Greiss
Greiss Family Holdings, LLC
P.O. Box 389
Aurora, Nebraska 68818

Mark Korth
P.O. Box 22
Humphrey, Nebraska 68642