

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART,

APPROVAL OF NON-EXPEDITED TRANSFER NEX-10062 AND MAP NUMBER 21341

FOR WATER APPROPRIATION A-6043

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6043 is held by Terry and Elaine Richters.
2. Appropriation A-6043 has a priority date of March 9, 1954, and authorizes the use of water for irrigation of the 69.0 acres of land described below. The water may be diverted from Lincoln Creek at a point of diversion located on each bank of the stream in the NW¹/₄SE¹/₄ of Section 33, Township 12 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 140 acres irrigated at a maximum rate of 0.49 cfs. The total annual volume may not exceed 3 acre-feet per acre of land on which water is actually and beneficially applied.

Township 12 North, Range 02 East of the 6 th P.M. in Seward County	Acres
Section 33: NW ¹ / ₄ SW ¹ / ₄	31.0
SW ¹ / ₄ SW ¹ / ₄	<u>38.0</u>
TOTAL	69.0

3. On January 17, 2024, Terry Richters and Stanley Roebke filed application NEX-10062 for a permit for a non-expedited transfer of the location of use for 24.0 of the 69.0 acres under surface water appropriation A-6043.
4. On January 17, 2024, Terry Richters filed map number 21341 showing the land proposed to be irrigated under appropriation A-6043 through transfer NEX-10062.
5. Terry and Elaine Richters, through application NEX-10062, request 24.0 acres of A-6043 be transferred from the W¹/₂SW¹/₄ of Section 33, Township 12 North to cover 63.2 acres owned by Stanley O. and Jenny M. Roebke located in the SE¹/₄ of Section 03, Township 11 North, all in Range 02 East of the 6th P.M. in Seward County. There will not be an increase in irrigated acres within the basin as a result of these transfers.
6. Appropriation A-6043 through NEX-10062 would provide additional water to land irrigated under A-13510 through EXT-10064.

- On January 17, 2024, Terry and Elaine Richters filed REL-10063 relinquishing a portion of the water under appropriation A-6043, for use on the land described below.

Township 12 North, Range 02 East of the 6 th P.M. in Seward County		Acres
Section 33:	NW ¹ / ₄ SW ¹ / ₄	7.9
	SW ¹ / ₄ SW ¹ / ₄	<u>37.1</u>
	TOTAL	45.0

ORDER

IT IS HEREBY ORDERED:

- Part of surface water appropriation A-6043 at the rate of 0.32 cfs for use upon the 45.0 acres above is CANCELLED.
- Application NEX-10062 for a permit for an expedited transfer of the location of use and map number 21341 are APPROVED.
- Appropriation A-6043 through transfer NEX-10062 authorizes the use of water to irrigate 63.2 acres of land described below and depicted on map number 21341, which is made a part of this Order. The water may be diverted from Lincoln Creek at a point of diversion located on the left bank of the stream in the NW¹/₄SE¹/₄ of Section 03, Township 11 North, Range 02 East of the 6th P.M. in Seward County, as depicted on map number 21341. Water diverted shall not exceed the ratio of one cfs for every 372 acres irrigated at a maximum rate of 0.17 cfs (76 gallons per minute). The total combined volume of all appropriations may not exceed three acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 11 North, Range 02 East of the 6 th P.M. in Seward County		Acres
Section 03:	NW ¹ / ₄ SE ¹ / ₄	1.0
	NE ¹ / ₄ SE ¹ / ₄	27.7
	SW ¹ / ₄ SE ¹ / ₄	2.2
	SE ¹ / ₄ SE ¹ / ₄	<u>32.3</u>
	TOTAL	63.2

- The Department will administer calls for water for the benefit of A-6043 under the original approval conditions of the appropriation.
- The Department reserves the right to limit or prevent diversion to prevent harm to appropriators between the original point of diversion in the NW¹/₄SE¹/₄ of Section 33, Township 12 North and the new point of diversion NW¹/₄SE¹/₄ of Section 03, Township 11 North, all in Range 02 East of the 6th P.M. in Seward County, .
- All terms and conditions of appropriation A-6043 remain in effect unless specifically changed by this Order.

7. 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, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Order may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an 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.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

March 18, 2024

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21341 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21341 were mailed to the following:

Terry and Elaine Richters
3860 Old Mill Road
Seward, Nebraska 68434

Stanley O. and Jenny M. Roebke
200 Struthers Place
Seward, Nebraska 68434