

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-11495

AND APPROVAL OF MAP NUMBER 21405

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11495 is held by Larry D. and Carol Lynn Hudkins.
2. Appropriation A-11495 has a priority date of July 17, 1968, and authorizes the use of water for irrigation of the 202.5 acres of land described below. The water may be diverted from Middle Oak Creek at points of diversion located on the left bank of the stream in the NW¹/₄SW¹/₄ and the NE¹/₄SW¹/₄ of Section 25, Township 12 North, Range 04 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 combined rate of 2.89 cfs from all points of diversion.

Township 12 North, Range 04 East of the 6 th P.M. in Seward County		Acres
Section 25:	NW ¹ / ₄ NW ¹ / ₄	29.0
	NE ¹ / ₄ NW ¹ / ₄	39.0
	SW ¹ / ₄ NW ¹ / ₄	30.5
	SE ¹ / ₄ NW ¹ / ₄	40.0
	NW ¹ / ₄ SW ¹ / ₄	29.0
	NE ¹ / ₄ SW ¹ / ₄	<u>35.0</u>
	TOTAL	202.5

3. On April 2, 2024, Larry D. and Carol Lynn Hudkins filed relinquishment REL-10218, relinquishing the right to divert water under a portion of appropriation A-11495 to irrigate the 176.5 acres of land described below.

Township 12 North, Range 04 East of the 6 th P.M. in Seward County		Acres
Section 25:	NW ¹ / ₄ NW ¹ / ₄	28.1
	NE ¹ / ₄ NW ¹ / ₄	39.0
	SW ¹ / ₄ NW ¹ / ₄	20.0
	SE ¹ / ₄ NW ¹ / ₄	40.0
	NW ¹ / ₄ SW ¹ / ₄	14.4
	NE ¹ / ₄ SW ¹ / ₄	<u>35.0</u>
	TOTAL	176.5

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-11495 at the rate of 2.52 for use upon the 176.5 acres of land described above is CANCELLED.
2. Appropriation A-11495 now authorizes the appropriator to divert water from Middle Oak Creek to irrigate the 26.0 acres of land described below and depicted on map number 21405 which is made a part of this Order. The point of diversion is located in the NW¹/₄SW¹/₄ of Section 25, Township 12 North, Range 04 East of the 6th P.M. in Seward County, as depicted on map number 21405. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.37 cfs (166 gallons per minute) from all points of diversion. 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.

<u>Township 12 North, Range 04 East of the</u>	
<u>6th P.M. in Seward County</u>	
	<u>Acres</u>
Section 25: NW ¹ / ₄ NW ¹ / ₄	0.9
SW ¹ / ₄ NW ¹ / ₄	10.5
NW ¹ / ₄ SW ¹ / ₄	<u>14.6</u>
TOTAL	26.0

3. All terms and conditions of appropriation A-11495 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

April 23, 2024

A copy of this Order was posted on the Department's website. A copy of this Order and map number 21405 was provided to the Department's field office in Lincoln, Nebraska. A copy of this Order and map number 21405 was mailed to the following:

Larry D. and Carol Lynn Hudkins
8600 NW 112th Street
Malcolm, Nebraska 68402