

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-10237A

AND APPROVAL OF MAP NUMBER 21387

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10237A is held by Dennis and Nancy Zolck.
2. Appropriation A-10237A with a priority date of August 28, 1963, authorizes the use of water for irrigation of the 40.8 acres of land described below. The water may be diverted from Bell Creek at a point of diversion located on the east bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 19 North, Range 09 East of the 6th P.M. in Washington County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.58 cfs.

<u>Township 19 North, Range 09 East of the</u>		<u>6th P.M. in Washington County</u>	<u>Acres</u>
Section 36:	NW $\frac{1}{4}$ NW $\frac{1}{4}$		38.4
	NE $\frac{1}{4}$ NW $\frac{1}{4}$		1.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$		<u>0.9</u>
	TOTAL		40.8

3. The Department has received information concerning the use of surface water appropriation A-10237A that indicates that a portion of the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 21, 2024, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-10237A had not been irrigated for more than five years:.
6. The Department has determined that a **portion** of appropriation A-10237A at the rate of 0.38 cfs has not been used for more than five years to irrigate the land described below.

<u>Township 19 North, Range 09 East of the</u>		<u>6th P.M. in Washington County</u>	<u>Acres</u>
Section 36:	NW $\frac{1}{4}$ NW $\frac{1}{4}$		26.5
	NE $\frac{1}{4}$ NW $\frac{1}{4}$		<u>0.2</u>
	TOTAL		26.7

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Dennis and Nance Zolck, 13990 County Road 9, Arlington, Nebraska 68002.
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-10237A at a rate of 0.38 cfs for use upon the 26.7 acres of land described above is CANCELLED.
2. Appropriation A-10237A now authorizes the the appropriator to divert water to irrigate the 14.1 acres of land described below and depicted on map number 21387 which is made a part of this Order. The water may be diverted from Bell Creek at a point of diversion located on the east bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 19 North, Range 09 East of the 6th P.M. in Washington County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.20 cfs (90 gallons per minute).

<u>Township 19 North, Range 09 East of the 6th P.M. in Washington County</u>	<u>Acres</u>
Section 36: NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.9
NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.3
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>0.9</u>
TOTAL	14.1

3. All terms and conditions of appropriation A-10237 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.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

May 3, 2024

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

Dennis and Nance Zolck
13990 County Road 9
Arlington, Nebraska 68002