

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13487

AND APPROVAL OF MAP NUMBER 21376

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13487 is held by R. Bruce Skinner et al; PWP, LLC; and William R. Patrick Foundation.
2. Appropriation A-13487 with a priority date of March 21, 1975, authorizes the use of water for irrigation of the 160.1 acres of land described below. The water may be diverted from Carr Creek at points of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 19, Township 20 North, Range 11 East of the 6<sup>th</sup> P.M. in Burt 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 2.29 cfs from all points of diversion.

<u>Township 20 North, Range 10 East of the 6<sup>th</sup> P.M. in Burt County</u>	<u>Acres</u>
Section 13: SW $\frac{1}{4}$ SE $\frac{1}{4}$	9.3
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.8
Section 24: SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.5
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	26.5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	35.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.7
<u>Township 20 North, Range 11 East of the 6<sup>th</sup> P.M. in Burt County</u>	<u>Acres</u>
Section 19: NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>16.3</u>
TOTAL	160.1

3. The Department has received information concerning the use of surface water appropriation A-13487 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

4. On May 3, 2024, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-13487 had not been irrigated for more than five years:

Township 20 North, Range 10 East of the 6 <sup>th</sup> P.M. in Burt County	Acres
Section 24: SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>6.0</u>
TOTAL	7.5

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Bruce Skinner, 3275 County Road AB, Herman, Nebraska 68029; Kurt Potadle, PWP, LLC, 20668 US Highway 75, Herman, Nebraska 68029; Bill Skinner, 3150 County Road AB, Herman, Nebraska 68029; Michael J. Matukewicz, William R. Patrick Foundation, 8701 West Dodge Road Suite 408, Omaha, Nebraska 68114.
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-13487 at the rate of 0.11 cfs for use upon the land described above is CANCELLED.
2. Appropriation A-13487 now authorizes the appropriator to divert water from Carr Creek to irrigate the 152.6 acres of land described below and depicted on map number 21376 which is made a part of this Order. The water may be diverted from Carr Creek at a point of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 19, Township 20 North, Range 11 East of the 6<sup>th</sup> P.M. in Burt County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 2.18 cfs (978 gallons per minute).

Township 20 North, Range 10 East of the 6 <sup>th</sup> P.M. in Burt County	Acres	Township 20 North, Range 11 East of the 6 <sup>th</sup> P.M. in Burt County	Acres
Section 13: SW $\frac{1}{4}$ SE $\frac{1}{4}$	9.3	Section 19: NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.5
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.8	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>16.3</u>
Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0	TOTAL	152.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	26.5		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.5		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.7		

3. All terms and conditions of appropriation A-13487 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

June 7, 2024

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21376 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21376 were mailed to the following:

Bruce Skinner  
3275 County Road AB  
Herman, Nebraska 68029

Bill Skinner  
3150 County Road AB  
Herman, Nebraska 68029

Kurt Potadle  
PWP, LLC  
20668 US Highway 75  
Herman, Nebraska 68029

Michael J. Matukewicz  
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