

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13023

AND APPROVAL OF MAP NUMBER 21555

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-13023 is held by Glen A. Bonifas et al and RDOCHSNER, L.L.C.
2. Appropriation A-13023 has a priority date of April 19, 1974, and authorizes the use of water for irrigation of the 225 acres of land described below. The water may be diverted from Lukow Reservoir (storage appropriation A-13022) at a point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 06 North, Range 12 West of the 6th P.M. in Adams County. Water diverted shall not exceed 22.9 acre-feet per annum.

<u>Township 06 North, Range 12 West of the 6th P.M. in Adams County</u>	<u>Acres</u>
Section 11: NW $\frac{1}{4}$ SW $\frac{1}{4}$	39
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38
SE $\frac{1}{4}$ SW $\frac{1}{4}$	29
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39</u>
TOTAL	225

3. On January 3, 2025, Russell D. Ochsner, on behalf of RDOCHSNER, LLC, filed relinquishment REL-9014, relinquishing the right to divert water, under a portion of appropriation A-13023 to irrigate the 79 acres of land described below owned by RDOCHSNER, LLC.

<u>Township 06 North, Range 12 West of the 6th P.M. in Adams County</u>	<u>Acres</u>
Section 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39</u>
TOTAL	79

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-13023 for use upon the 79 acres of land described above is CANCELLED.
2. Appropriation A-13023 now authorizes the appropriator to divert water from Lukow Reservoir (storage appropriation A-13022) to irrigate the 146 acres of land described below and depicted on map number 21555 which is made a part of this Order. The point of diversion remains in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 06 North, Range 12 West of the 6th P.M. in Adams County, as depicted on map number 21555. Water diverted shall not exceed 22.9 acre-feet per annum.

Township 06 North, Range 12 West of the 6 th P.M. in Adams County		Acres
Section 11:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	39
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	29
	TOTAL	146

3. All terms and conditions of appropriation A-13023 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.

DEPARTMENT OF NATURAL RESOURCES

January 28, 2025



Jesse Bradley, P.G., Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21555 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21555 were mailed to the following:

Glen A. Bonifas et al
15475 West Oregon Trail Road
Roseland, Nebraska 68973

Russell D. Ochsner
RDOCHSNER, L.L.C.
7860 South Liberty Avenue
Roseland, Nebraska 68973