

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18950

AND APPROVAL OF MAP NUMBER 21549

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18950 is held by Larry D. and Kirklyn D. Nielsen.
2. Appropriation A-18950, with a priority date of August 5, 2012, authorizes the use of water for irrigation of 147.6 acres of land. The water may be diverted from the Niobrara River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, Township 32 North, Range 08 West of the 6<sup>th</sup> P.M. in Knox County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 2.11 cfs.

<u>Township 32 North, Range 08 West of the 6<sup>th</sup> P.M. in Knox County</u>	<u>Acres</u>
Section 09: SE $\frac{1}{4}$ SE $\frac{1}{4}$	34.0
Section 10: SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.7
Section 15: NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.2
NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>39.7</u>
TOTAL	147.6

3. The approval of appropriation A-18950 was conditional upon the irrigation of the above land by September 1, 2024.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18950 had not been irrigated by September 1, 2024.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18950 at the rate of 0.98 cfs for use upon 68.7 acres of land is CANCELLED.
2. Appropriation A-18950 now permits the appropriator to divert water from the Niobrara River to irrigate the 78.9 acres of land described below and depicted on map number 21549 which is made a part of this Order.

<u>Township 32 North, Range 08 West of the</u>		
<u>6<sup>th</sup> P.M. in Knox County</u>		<u>Acres</u>
Section 15:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	39.2
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>39.7</u>
	TOTAL	78.9

3. The water may be diverted from the Niobrara River at a point of diversion located on the left bank of the stream in Lot 2 (SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>) of Section 15, Township 32 North, Range 08 West of the 6<sup>th</sup> P.M. in Knox County, as depicted on map number 21549. Water diverted shall not exceed a maximum rate of 1.13 cfs (507 gallons per minute).
4. All terms and conditions of the approval of appropriation A-18950 remain in effect unless specifically changed by this Order.
5. 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.

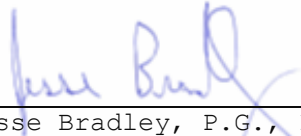
ADDITIONAL INFORMATION

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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES



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Jesse Bradley, P.G., Interim Director

January 22, 2025

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21549 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 21549 were mailed to the following:

Larry D. Nielsen  
51333 891 Road  
Verdigre, Nebraska 68783

Kirklyn D. Nielsen  
51335 891 Road  
Verdigre, Nebraska 68783