

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14757

AND APPROVAL OF MAP NUMBER 21582

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14757 is held by the Dana G. and Terrolyn S. Fisher Revocable Trusts.
2. Appropriation A-14757 with a priority date of February 25, 1977, and authorizes the use of 14.3 acre-feet of water per year from Fisher Reservoir No. 1 (storage appropriation A-13976) for irrigation of the 142.0 acres of land described below. The water may be diverted at points of diversion located on both banks of the reservoir in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 06 North, Range 06 West of the 6th P.M. in Clay County.

Township 06 North, Range 06 West of the 6 th P.M. in Clay County		Acres
Section 31:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>37.0</u>
TOTAL		142.0

3. The Department has received information concerning the use of surface water appropriation A-14757 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 18, 2025, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-14757 had not been irrigated for more than five years:

Township 06 North, Range 06 West of the 6 th P.M. in Clay County		Acres
Section 31:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>28.9</u>
TOTAL		133.9

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Dana G. and Terrolyn S. Fisher, Dana G. and Terrolyn S. Fisher Trusts, 408 East 9th Street, Fairfield, Nebraska 68938.
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-14757 for use upon the 133.9 acres of land described above is CANCELLED.
2. Appropriation A-14757 now authorizes the use of 14.3 acre-feet of water per year from Fisher Reservoir No. 1 (storage appropriation A-13976) for irrigation of the 8.1 acres of land described below. The water may be diverted at a point of diversion located on the left bank of the reservoir in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 06 North, Range 06 West of the 6th P.M. in Clay County.

Township 06 North, Range 06 West of the	
<u>6th P.M. in Clay County</u>	<u>Acres</u>

Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.1
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3. All terms and conditions of appropriation A-14757 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.

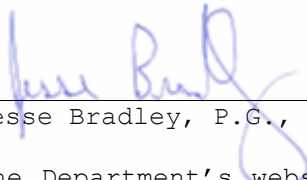
ADDITIONAL INFORMATION

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

April 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 21582 were provided to the Department's docket clerk and field office in Lincoln, Nebraska. Copies of this Order and map number 21582 were mailed to the following:

Dana G. and Terrolyn S. Fisher
Dana G. and Terrolyn S. Fisher Trusts
408 East 9th Street
Fairfield, Nebraska 68938