

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-1285

AND APPROVAL OF MAP NUMBER 21643

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-1285 is held by K & R Farms, Inc.
2. Appropriation A-1285 has a priority date of April 28, 1913, and authorizes the use of water for irrigation of the 187.0 acres of land described below. The water may be diverted from the Frenchman River at points of diversion located on both banks of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 07, Township 05 North, Range 35 West of the 6th P.M. in Hayes 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 2.67 cfs from all points of diversion. The total annual volume may not exceed three acre-feet per acre of land on which water is actually and beneficially applied.

Township 05 North, Range 35 West of the 6 th P.M. in Hayes County			Township 05 North, Range 35 West of the 6 th P.M. in Hayes County		
		Acres			Acres
Section 07:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	20.5	Section 07:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	22.7		NE $\frac{1}{4}$ SE $\frac{1}{4}$	24.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.6		SW $\frac{1}{4}$ SE $\frac{1}{4}$	31.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	16.0		SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>30.2</u>
TOTAL					187.0

3. On July 18, 2025, Eron Kitt, on behalf of K & R, Inc., filed relinquishment REL-11379, relinquishing the right to divert water under a portion of appropriation A-1285 to irrigate the 63.8 acres of land described below.

Township 05 North, Range 35 West of the 6 th P.M. in Hayes County		Acres	Township 05 North, Range 35 West of the 6 th P.M. in Hayes County		Acres
Section 07:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	20.5	Section 07:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.1		SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>8.6</u>
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.6	TOTAL		63.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.5			

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-1285 at the rate of 0.91 cfs for use upon the 63.8 acres of land described above is CANCELLED.
2. Appropriation A-1285 now authorizes the appropriator to divert water from the Frenchman River to irrigate the 123.2 acres of land described below and depicted on map number 21643 which is made a part of this Order. The points of diversion remains in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 07, Township 05 North, Range 35 West of the 6th P.M. in Hayes County, as depicted on map number 21643. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.76 cfs (790 gallons per minute). The total volume may not exceed three acre--feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 05 North, Range 34 West of the 6 th P.M. in Hayes County		Acres
Section 07:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	15.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.5
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	24.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	21.6
	TOTAL	123.2

3. All terms and conditions of appropriation A-1285 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 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 WATER, ENERGY, AND ENVIRONMENT



August 1, 2025

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21643 were provided to the Department's to the Integrated Water Management Coordinator and to the field office in Cambridge, Nebraska. Copies of this Order and map number 21643 were mailed to the following:

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