

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-16947

AND APPROVAL OF MAP NUMBER 21640

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that a portion of surface water appropriation A-16947 located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35, Township 17 North, Range 01 East of the 6th P.M. is owned by the Carroll J. and Beverly J. Jaixen Real Estate Trust; the remaining portion of land located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ is owned by Jerald D. and Donna M. Jaixen.
2. Appropriation A-16947 has a priority date of March 20, 1990, and authorizes the use of water for irrigation of the 101 acres of land described below. The water may be diverted from the Loup River via the Columbus-Genoa Canal at a point of diversion located on the north bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 06, Township 16 North, Range 04 West of the 6th P.M. in Nance County and withdrawn from the Canal in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 17 North, Range 01 East of the 6th P.M. in Platte County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 94 acres irrigated at a maximum rate of 1.07 cfs. The total annual volume may not exceed 2.23 acre-feet per acre of land on which water is actually and beneficially applied.

Township 17 North, Range 01 East of the 6 th P.M. in Platte County		Acres
Section 35:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	16
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	18
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	37
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>30</u>
TOTAL		101

3. On January 24, 2025, Carroll J. and Beverly J. Jaixen, on behalf of the Carroll J. and Beverly J. Jaixen Real Estate Trust, filed relinquishment REL-10933, relinquishing the right to divert water under a portion of appropriation A-16947 to irrigate the 12 acres of land described below.

Township 17 North, Range 01 East of the 6 th P.M. in Platte County		Acres
Section 35:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	6
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>6</u>
TOTAL		12

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-16947 at the rate of 0.13 cfs for use upon the 12 acres of land described above is CANCELLED.
2. Appropriation A-16947 now authorizes the appropriator to divert water from the Loup River to irrigate the 89 acres of land described below and depicted on map number 21640 which is made a part of this Order. The water may be diverted from the Loup River via the Columbus-Genoa Canal at a point of diversion located on the north bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 06, Township 16 North, Range 04 West of the 6th P.M. in Nance County and withdrawn from the canal at a point of diversion located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 17 North, Range 01 East of the 6th P.M. in Platte County, as depicted on map number 21640. Water diverted shall not exceed the ratio of one cfs for every 94 acres irrigated at a maximum rate of 0.94 cfs (422 gallons per minute). The total combined volume of A-16947 and A-17868A may not exceed three acre-feet per irrigated per year nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 17 North, Range 01 East of the 6 th P.M. in Platte County		Acres
Section 35:		
NW $\frac{1}{4}$ NE $\frac{1}{4}$		16
NE $\frac{1}{4}$ NE $\frac{1}{4}$		18
SW $\frac{1}{4}$ NE $\frac{1}{4}$		31
SE $\frac{1}{4}$ NE $\frac{1}{4}$		24
TOTAL		89

3. Appropriation A-17686A provides additional water to land approved for irrigation under appropriation A-16947.
4. All terms and conditions of appropriation A-16947 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 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 21640 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 21640 were mailed to the following:

Carroll J. and Beverly J. Jaixen
730 Lovers Lane
Columbus, Nebraska 68601

Jerald D. and Donna M. Jaixen
3295 East 44th Avenue
Columbus, Nebraska 68601