

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18515

AND APPROVAL OF MAP NUMBER 20309

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18515 is held by Gerard J. Keating.
2. Appropriation A-18515, with a priority date of May 29, 2007, authorizes the use of water for irrigation of 109.0 acres of land. The water may be diverted from Big Sandy Creek at points of diversion located on both banks of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 33 North, Range 14 West of the 6th P.M. in Holt 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 1.56 cfs from all points of diversion.
3. The approval of appropriation A-18515 was conditional upon the irrigation of the above land by September 1, 2017.
4. On April 10, 2017, Matt J. Keating filed petition EOT-6170 for an extension of time to complete construction.
5. On May 2, 2017, the Department granted petition EOT-6170 and construction completion for the project authorized under appropriation A-18515 was extended to April 10, 2018, and the beneficial use date was extended to September 1, 2018.
6. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18515 had not been irrigated by September 1, 2018.
7. *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-18515 at the rate of 0.27 cfs for use upon nineteen acres of land is CANCELLED.

2. Appropriation A-18515 now permits the appropriator to divert water from Big Sandy Creek to irrigate the 90 acres of land described below and depicted on map number 20309 which is made a part of this Order. The points of diversion remain on both banks of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 33 North, Range 14 West of the 6th P.M. in Holt County, as depicted on map number 20309. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.29 cfs (579 gallons per minute).

<u>Township 33 North, Range 14 West of the</u>		
<u>6th P.M. in Holt County</u>		<u>Acres</u>
Section 12:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	24.2
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.4
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.3
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	17.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>18.8</u>
	TOTAL	90.0

3. All terms and conditions of the approval of appropriation A-18515 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

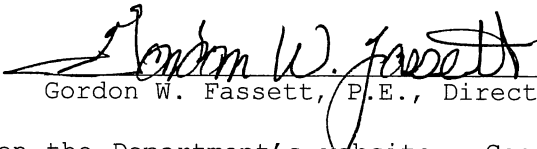
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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.

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

November 29, 2018


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20309 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 20309 were mailed on November 29, 2018, to the following:

Gerard Keating
196 Eugenia Drive
Naples, Florida 34108

Matt Keating, Manager
29 Rolling Hill Road
Kearney, NE 68847