

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19389

AND APPROVAL OF MAP NUMBER 20314

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19389 is held by Chad M. and Carol L. Herr.
2. Appropriation A-19389 has a priority date of August 28, 2015, and authorizes the appropriator the use of 1.04 cubic feet per second (cfs) (467 gallons per minute) of water for irrigation of the 72.6 acres of land described below. The water may be diverted from Long Branch at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 03 North, Range 13 East of the 6th P.M. in Richardson County.

Township 03 North, Range 13 East of the 6 th P.M. in Richardson County		Acres
Section 17:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	25.1
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.9
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.6
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>8.0</u>
	TOTAL	72.6

3. The approval of appropriation A-19389 was conditional upon the irrigation of the above land by September 1, 2018.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19389 had not been irrigated by September 1, 2018.
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-19389 at a rate of 0.61 cfs for use upon the 43.0 acres of land described below is CANCELLED.

Township 03 North, Range 13 East of the
6th P.M. in Richardson County Acres

Section 17: NW ¹ / ₄ NW ¹ / ₄	13.5
NE ¹ / ₄ NW ¹ / ₄	1.0
SW ¹ / ₄ NW ¹ / ₄	26.1
SE ¹ / ₄ NW ¹ / ₄	<u>2.4</u>
TOTAL	43.0

2. Appropriation A-19389 now permits the appropriator to divert water from Long Branch to irrigate the 29.6 acres of land described below and depicted on map number 20314 which is made a part of this Order. The water may be diverted from Long Branch and the point of diversion remains in the in the NE¹/₄SW¹/₄ of Section 08, Township 03 North, Range 13 East of the 6th P.M. in Richardson County, as depicted on map number 20314. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.43 cfs (193 gallons per minute)

Township 03 North, Range 13 East of the
6th P.M. in Richardson County Acres

Section 17: NW ¹ / ₄ NW ¹ / ₄	11.6
NE ¹ / ₄ NW ¹ / ₄	0.9
SW ¹ / ₄ NW ¹ / ₄	11.5
SE ¹ / ₄ NW ¹ / ₄	<u>5.6</u>
TOTAL	29.6

3. All terms and conditions of the approval of appropriation A-19389 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.

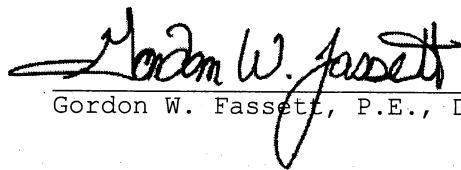
ADDITIONAL INFORMATION

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

November 9, 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 20314 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 20314 were mailed on November 9, 2018, to the following:

Bob Hilske Nemaha Natural Resources District 62161 US Highway 136 Tecumseh, Nebraska 68450	Cade L. Herr 63176 717 Road Humboldt, Nebraska 68376
Chad M. and Carol L. Herr 63151 718 Road Humboldt, Nebraska 68376	Caleb M. Herr 71694 629 Avenue Table Rock, Nebraska 67447