

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19436

AND APPROVAL OF MAP NUMBER 20307

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19436 is held by Riverside LLC.
2. Appropriation A-19436, with a priority date of April, 25, 2016, and authorizes the appropriator the use of 0.03 cubic foot per second (cfs) (15 gallons per minute) of water for domestic purposes on the 1.0 acre of land described below. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, Township 03 North, Range 07 East of the 6<sup>th</sup> P.M. in Gage County, as depicted on map number 19543.

Township 03 North, Range 07 East of the  
6<sup>th</sup> P.M. in Gage County Acres

Section 29: NE $\frac{1}{4}$ SW $\frac{1}{4}$  1.0

3. The approval of appropriation A-19436 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-19436 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-19436 at the rate of 0.01 cfs for use upon the land described below is CANCELLED.

Township 03 North, Range 07 East of the  
6<sup>th</sup> P.M. in Gage County Acres

Section 29: NE $\frac{1}{4}$ SW $\frac{1}{4}$  0.4

2. Appropriation A-19436 now permits the appropriator to divert 0.02 cfs of water (9 gallons per minute) from the Big Blue River to irrigate the 0.6 acre of land described below and depicted on map number 20307 which is made a part of this Order. The point of diversion remains on the left bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, Township 03 North, Range 07 East of the 6<sup>th</sup> P.M. in Gage County, as depicted on map number 20307.

Township 03 North, Range 07 East of the 6 <sup>th</sup> P.M. in Gage County	<u>Acres</u>
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Section 29: NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6
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3. All terms and conditions of the approval of appropriation A-19436 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

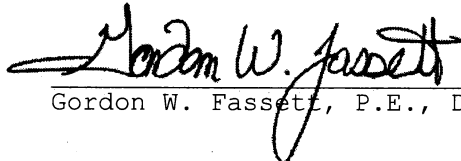
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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 9, 2018

  
Gordon W. Fasset, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20307 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 20307 were mailed on November 9, 2018, to the following:

Wayne Lineweber  
Riverside LLC  
P.O. Box 673  
Beatrice, Nebraska 68310