

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19097

AND APPROVAL OF MAP NUMBER 20329

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19097 is held by Peters Living Trust.
2. Appropriation A-19097, with a priority date of June 18, 2013, authorizes the use of water for irrigation of 71.3 acres of land. 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 NE¹/₄NW¹/₄ of Section 12, Township 05 North, Range 04 East of the 6th P.M. in Saline County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.02 cfs.
3. The approval of appropriation A-19097 was conditional upon the irrigation of the above land by September 1, 2016.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19097 had not been irrigated by September 1, 2016.
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-19097 at the rate of 0.03 cfs for use upon 2.1 acres of land is CANCELLED.

2. Appropriation A-19097 now permits the appropriator to divert water from the Big Blue River to irrigate the 69.2 acres of land described below and depicted on map number 20329 which is made a part of this Order. The water may be diverted from the Big Blue River and the point of diversion remains on the left bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 05 North, Range 04 East of the 6th P.M. in Saline County, as depicted on map number 20329. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.99 cfs (444 gallons per minute).

<u>Township 05 North, Range 04 East of the</u>		
<u>6th P.M. in Saline County</u>		<u>Acres</u>
Section 12:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>34.7</u>
	TOTAL	69.2

3. All terms and conditions of the approval of appropriation A-19097 remains 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

December 28, 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 20329 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 20329 were mailed on December 28, 2018, to the following:

Jim Peters
Peters Living Trust
15124 North Blue Ridge Drive
DeWitt, Nebraska 68341