

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19433

AND APPROVAL OF MAP NUMBER 20319

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19433 is held by Timothy A. and Carol A. Schardt, and Wesley A. and Jessica A. Schardt.
2. Appropriation A-19433 has a priority date of April 14, 2016, and authorizes the appropriator the use of 40.0 acre-feet of water annually from Schardt Irrigation Reservoir (storage appropriation A-19432) from a pump site located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 01, Township 04 North, Range 11 East of the 6th P.M. in Johnson County.
3. The approval of appropriation A-19433 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-19433 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-19433 for use upon 22.7 acres of land is CANCELLED
2. Appropriation A-19433 now permits the appropriator to divert water from Schardt Irrigation Reservoir (A-19432) to irrigate the 131.3 acres of land described below and depicted on map number 20319 which is made a part of this Order. The water may be diverted from Schardt Irrigation Reservoir from a pump site located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 01, Township 04 North, Range 11 East of the 6th P.M. in Johnson County, as depicted on map number 20319. The amount of water diverted shall not exceed 40.0 acre-feet annually.

<u>Township 04 North, Range 11 East of the 6th P.M. in Johnson County</u>	<u>Acres</u>	<u>Township 04 North, Range 11 East of the 6th P.M. in Johnson County</u>	<u>Acres</u>
Section 01: NW $\frac{1}{4}$ SE $\frac{1}{4}$	24.5	Section 01: SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.7
NE $\frac{1}{4}$ SE $\frac{1}{4}$	35.6	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>35.5</u>
		TOTAL	131.3

3. All terms and conditions of the approval of appropriation A-19433 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 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 20319 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 20319 were mailed on November 29, 2018, to the following:

Timothy A. and Carol A. Schaaridt
61877 716 Trail
Steinauer, Nebraska 68441

Wesley A. and Jessica A. Schaaridt
5950 Bridle Lane
Lincoln, Nebraska 68516