STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-16385B

AND APPROVAL OF MAP NUMBER 20340

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16385B is currently held by Darryl L. and Barbara K. Novak.

2. A search of the records of the Saline County Register of Deeds indicates the land appurtenant to appropriation A-16395B includes names of owners that are different than the owners listed in Department records. These individuals are Robin Kay and Mark Wixson.

3. Appropriation A-16385B with a priority date of May 30, 1985, authorizes the use of water for irrigation of the 72.0 acres of land described below. The water may be diverted from the West Fork of the Big Blue River at points of diversion located on both banks of the stream in the SW¼SW¼ of Section 03, Township 08 North, Range 03 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 combined rate of 1.03 cfs from all points of diversion.

Township 08 North, Range 03 East of the 6th P.M. in Saline County		Acres
Section 10:	NE¼NW¼	34.0
	NW¼NE¼	38.0
	TOTAL	72.0

4. On January 31, 2019, Darryl L. and Barbara K. Novak filed relinquishment REL-7224, relinquishing the right to divert water under a portion of appropriation A-16385B to irrigate the 67.2 acres of land described below.

Township 08 North, Range 03 East of the 6th P.M. in Saline County		Acres
Section 10:	NE¼NW¼	29.2
	NW¼NE¼	38.0
	TOTAL	67.2

5. On February 5, 2019, Robin Kay and Mark Wixson filed relinquishment REL-7225, relinquishing the right to divert water under a portion of appropriation A-16385B to irrigate the 0.9 acre of land described below.

Township 08 North, Range 03 East of the 6th P.M. in Saline County	Acres
Section 10: NE¼NW¼	0.9

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-16385B at the rate of 0.97 cfs for use upon the 68.1 acres of land described above is CANCELLED.

2. Appropriation A-16385B now authorizes the appropriator to divert water from the West Fork of the Big Blue River to irrigate the 3.9 acres of land described below and depicted on map number 20340 which is made a part of this Order. The points of diversion remain in the SW¼SW¼ of Section 03, Township 08 North, Range 03 East of the 6th P.M. in Saline County, as depicted on map number 20340. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.06 cfs (27 gallons per minute) from all points of diversion.

Township 08 North, Range 03 East of the 6th P.M. in Saline County	Acres
Section 10: NE¼NW¼	3.9

3. All terms and conditions of appropriation A-16385 and A-16385B 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, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

February 15, 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 20340 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 20340 were mailed on February 15, 2019, to the following:

Darryl L. and Barbara Novak
1818 County Road D
Dorchester, Nebraska 68343

Robin Kay and Mark Wixson
1625 County Road B
Dorchester, Nebraska 68343