

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13308

AND APPROVAL OF MAP NUMBER 20553

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that a portion of surface water appropriation A-13308 is held by Anthony P. Tangeman and the Jean Ann Tangeman Trust.
2. Records on file in the Department of Natural Resources (Department) show that a portion of surface water appropriation A-13308 is held by the Lois J. Wittwer Revocable Trust.
3. A search of the records on file at the Richardson County Register of Deeds indicates a parcel of land appurtenant appropriation A-13308 is owned by Gregory L. and Janice L. Elbert.
4. A review of Department records indicates an error was made on the Order of map approval dated August 20, 1976, which listed **40.4** acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 02 North, Range 13 East of the 6th P.M. The **correct number of acres**, as shown on map number 12187 is **40.0**. However, total number of acres listed as **277.4 is correct**.
5. Appropriation A-13308 has a priority date of December 11, 1974, and authorizes the use of water for irrigation of the 277.4 acres of land described below. The water may be diverted from the South Fork of the Big Nemaha River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 05, Township 01 North, Range 13 East of the 6th P.M. in Richardson 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 3.96 cfs.

<u>Township 02 North, Range 13 East of the</u>		
<u>6th P.M. in Richardson County</u>		<u>Acres</u>
Section 32:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.4
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.4
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.9
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39.4</u>
	TOTAL	277.4

6. On July 10, 2020, Anthony P. Tangeman and Jean Ann Tangeman, Trustee of the Jean Ann Tangeman Trust filed relinquishment REL-9006, relinquishing the right to divert water under a portion of appropriation A-13308 to irrigate the 62.3 acres of land described below.

<u>Township 02 North, Range 13 East of the</u>		
<u>6th P.M. in Richardson County</u>		<u>Acres</u>
Section 32:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39.4</u>
	TOTAL	62.3

ORDER

IT IS HEREBY ORDERED:

- Part of appropriation A-13308 at the rate of 0.89 cfs for use upon the 62.3 acres of land described above is CANCELLED.
- The remaining portion of A-13308 is subject to further investigation by the Department concerning beneficial use of appropriation A-13308. If it is determined that all or part of the remaining 215.1 acres have not been irrigated for a period of more than five consecutive years then all or part of appropriation A-13308 may be subject to cancellation pursuant to *Neb. Rev Stat § 46-229.02(1)*.
- Until the Department's investigation has been completed, A-13308 shall reflect the 215.1 acres of land described below as depicted on map number 20553, which is made part of this order. Water may be diverted from the South Fork of the Big Nemaha River. The point of diversion remains on the left bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 05, Township 01 North, Range 13 East of the 6th P.M. in Richardson County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 3.07 cfs (1,378 gallons per minute).

<u>Township 02 North, Range 13 East of the</u>		
<u>6th P.M. in Richardson County</u>		<u>Acres</u>
Section 32:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.4
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.4
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.9
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>17.1</u>
	TOTAL	215.1

- All terms and conditions of appropriation A-13308 remain in effect unless specifically changed by this Order.

5. 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



Jesse Bradley, Interim Director

July 21, 2020

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20553 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 20553 were mailed on July 21, 2020, to the following:

Anthony P. Tangeman
2522 I Road
Seneca, Kansas 66538

Jean Ann Tangeman, Trustee
Jean Ann Tangeman Trust
2522 I Road
Seneca, Kansas 66538

Lois J. Wittwer Revocable Trust
Nancy Wittwer, Trustee
14509 Patrick Avenue
Omaha, Nebraska 68116

Gregory L. and Janice L. Elbert
70 Lakeview Lane
Algona, Iowa 50511