

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19500

AND APPROVAL OF MAP NUMBER 20597

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19500 is held by Anthony J. and Janet A. Ahern.
2. Appropriation A-19500, with a priority date of February 22, 2017, authorizes the use of water for irrigation of 272.7 acres of land. The water may be diverted from Ahern Reservoir No. 1 (storage appropriation A-19499) at a point of diversion located on the left bank of the reservoir in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, Township 03 North, Range 15 East of the 6<sup>th</sup> P.M. in Richardson County.
3. The approval of appropriation A-19500 was conditional upon the irrigation of the above land by September 1, 2020.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19500 had not been irrigated by September 1, 2020.
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-19500 for use upon 41.7 acres of land is CANCELLED.

2. Appropriation A-19500 now permits the appropriator to divert 28.9 acre-feet of water per annum from Ahern Reservoir No. 1 (storage appropriation A-19499) for irrigation of the 231.0 acres of land described below and depicted on map number 20597, which is made a part of this Order.

Township 03 North, Range 15 East of the  
6<sup>th</sup> P.M. in Richardson County Acres

|             |   |             |
|-------------|---|-------------|
| Section 15: | NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> | 28.1        |
|             | NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> | 30.4        |
|             | SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> | 27.7        |
|             | SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> | 27.3        |
|             | NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> | 30.4        |
|             | NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> | 29.8        |
|             | SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> | 29.7        |
|             | SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> | <u>27.6</u> |
|             | TOTAL   | 231.0       |

3. All terms and conditions of the approval of appropriation A-19500 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.

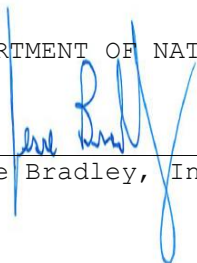
ADDITIONAL INFORMATION

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

October 30, 2020

  
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 Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20597 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 20597 were mailed on October 30, 2020, to the following:

Anthony J. and Janet A. Ahern  
P.O. Box 55  
Shubert, Nebraska 68437