

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19513

AND APPROVAL OF MAP NUMBER 20582

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19513 is held by Midwest Tree Moving, Inc.
2. Appropriation A-19513, with a priority date of April 17, 2017, authorizes the use of water for irrigation of 18.9 acres of land. The water may be diverted from the Missouri River at points of diversion located on the right bank of the stream in Lot 03 and Lot 02 of Section 09, Township 33 North, Range 01 West of the 6th P.M. in Cedar County. Water diverted shall not exceed 0.27 cubic foot per second from both points of diversion.
3. The approval of appropriation A-19513 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-19513 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-19513 for use upon 16.7 acres of land is CANCELLED.
2. Appropriation A-19513 now permits the appropriator to divert water from the Missouri River to irrigate the 2.2 acres of land described below and depicted on map number 20582 which is made a part of this Order.

<u>Township 33 North, Range 01 West of the 6th P.M. in Cedar County</u>	<u>Acres</u>
Section 09: Lot 02	1.3
Lot 03	<u>0.9</u>
TOTAL	2.2

3. The water may be diverted from the Missouri River at points of diversion located on the right bank of the stream in Lot 03 and Lot 02 of Section 09, Township 33 North, Range 01 West of the 6th P.M. in Cedar County, as depicted on map number 20582. Water diverted shall not exceed a maximum rate of 0.03 cfs (13 gallons per minute).
4. All terms and conditions of the approval of appropriation A-19513 remains 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

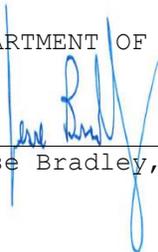
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

October 2, 2020



Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20582 were provided to the Department's field office in Norfolk, Nebraska. Copies of the field investigation, this Order and map number 20582 were mailed on October 2, 2020, to the following:

Gerald and Jerry Fischer
Midwest Tree Moving, Inc.
503 North Robinson Avenue
Hartington, Nebraska 68739