

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19569

AND APPROVAL OF MAP NUMBER 20591

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19569 is held by Schmidt Ag, Inc.
2. Appropriation A-19569, with a priority date of October 16, 2017, authorizes the use of 48.5 acre-feet annually from Schmidt Ag Irrigation Pond (storage appropriation A-19570) for irrigation of 167.0 acres of land described below. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 28, Township 03 North, Range 03 East of the 6<sup>th</sup> P.M. in Jefferson County.

<u>Township 03 North, Range 03 East of the</u>		
<u>6<sup>th</sup> P.M. in Jefferson County</u>		<u>Acres</u>
Section 28:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	24.9
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.2
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.1
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	32.7
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	10.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>32.7</u>
	TOTAL	167.0

3. The approval of appropriation A-19569 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-19569 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-19569 for use upon 79.0 acres of land is CANCELLED.
2. Appropriation A-19569 now permits the appropriator to divert water from Schmidt Ag Irrigation Pond (storage appropriation A-19570) to irrigate the 88 acres of land described below and depicted on map number 20591 which is made a part of this Order.

Township 03 North, Range 03 East of the		
6 <sup>th</sup> P.M. in Jefferson County		Acres
Section 28:	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	0.1
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	0.1
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	8.8
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	32.7
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	13.6
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	<u>32.7</u>
	TOTAL	88.0

3. The water may be diverted from Schmidt Ag Irrigation Pond at a point of diversion located in SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 28, Township 03 North, Range 03 East of the 6<sup>th</sup> P.M. in Jefferson County, as depicted on map number 20591. Water diverted shall not exceed 48.5 acre-feet annually.
4. All terms and conditions of the approval of appropriation A-19569 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.

DEPARTMENT OF NATURAL RESOURCES



January 12, 2021

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Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20591 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 20591 were mailed on January 12, 2021, to the following:

Schmidt Ag, Inc.  
Dell Schmidt  
56565 723 Road  
Fairbury, Nebraska 68352