

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19534

AND APPROVAL OF MAP NUMBER 20617

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19534 is held by Flowing Springs Development, L.L.C.
2. Appropriation A-19534, with a priority date of June 5, 2017, authorizes the use of water for irrigation of 10.5 acres of land. The water may be diverted from Flowing Springs Reservoir from a pump site located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 02, Township 03 North, Range 06 East of the 6th P.M. in Gage County. Water diverted shall not exceed 33.5 acre-feet annually.
3. The approval of appropriation A-19534 was conditional upon the irrigation of the above land by September 1, 2019.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19534 had not been irrigated by September 1, 2019.
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-19534 for use upon 3.0 acres of land is CANCELLED.
2. Appropriation A-19534 now permits the appropriator to divert water from Flowing Springs Reservoir to irrigate the 7.5 acres of land described below and depicted on map number 20617 which is made a part of this Order.

Township 03 North, Range 06 East of the		
<u>6th P.M. in Gage County</u>		<u>Acres</u>
Section 02:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	6.9
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>0.6</u>
	TOTAL	7.5

3. The water may be diverted from Flowing Springs Reservoir from a pump site located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 02, Township 03 North, Range 06 East of the 6th P.M. in Gage County, as depicted on map number 20617. Water diverted shall not exceed 33.5 acre-feet annually.
4. All terms and conditions of the approval of appropriation A-19534 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 p.

DEPARTMENT OF NATURAL RESOURCES



February 17, 2021

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 20617 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 20617 were mailed on February 17, 2021, to the following:

Marvin Goossen
Flowing Springs Development LLC
2323 Scott Street
Beatrice, Nebraska 68310