

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19581

AND APPROVAL OF MAP NUMBER 20636

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19581 is held by Carl Elting.
2. Appropriation A-19581, with a priority date of January 8, 2018, authorizes the use of water for irrigation of 711.6 acres of land. The water may be diverted from the Little Blue River from a point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 08, Township 02 North, Range 02 West of the 6th P.M. in Thayer 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 10.2 cfs.
3. The approval of appropriation A-19581 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-19581 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-19581 for use upon 57.6 acres of land at 0.82 cfs is CANCELLED.

2. Appropriation A-19581 now permits the appropriator to divert water from the Little Blue River to irrigate the 654 acres of land described below and depicted on map number 20636 which is made a part of this Order.

Township 02 North, Range 02 West of the 6 th P.M. in Thayer County		Acres
Section 08:	NW ¹ / ₄ SE ¹ / ₄	33.7
	NE ¹ / ₄ SE ¹ / ₄	31.9
	SW ¹ / ₄ SE ¹ / ₄	36.4
	SE ¹ / ₄ SE ¹ / ₄	35.5
Section 17:	NE ¹ / ₄ NW ¹ / ₄	25.6
	SW ¹ / ₄ NW ¹ / ₄	13.5
	SE ¹ / ₄ NW ¹ / ₄	30.5
	NW ¹ / ₄ NE ¹ / ₄	40.0
	NE ¹ / ₄ NE ¹ / ₄	37.2
	SW ¹ / ₄ NE ¹ / ₄	31.1
	SE ¹ / ₄ NE ¹ / ₄	38.6
	NW ¹ / ₄ SW ¹ / ₄	40.0
	NE ¹ / ₄ SW ¹ / ₄	40.0
	SW ¹ / ₄ SW ¹ / ₄	35.4
	SE ¹ / ₄ SW ¹ / ₄	40.0
	NW ¹ / ₄ SE ¹ / ₄	40.0
	NE ¹ / ₄ SE ¹ / ₄	40.0
	SW ¹ / ₄ SE ¹ / ₄	27.4
	SE ¹ / ₄ SE ¹ / ₄	<u>37.2</u>
	TOTAL	654.0

3. The water may be diverted from the Little Blue River at a point of diversion located on the right bank of the stream in the NE¹/₄SE¹/₄ of Section 08, Township 02 North, Range 02 West of the 6th P.M. in Thayer County, as depicted on map number 20636. Water diverted shall not exceed a maximum rate of 9.34 cfs (4192 gallons per minute).
4. All terms and conditions of the approval of appropriation A-19581 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



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 20636 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 20636 were mailed on February 17, 2021, to the following:

Carl Elting
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Edgar, Nebraska 68935