

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER RESCINDING ORDER OF CANCELLATION IN FULL OF APPROPRIATION A-15191

DATED JUNE 10, 2022,

AND ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-15191

AND APPROVAL OF MAP NUMBER 21046

CASE NUMBER 2022-4-PD-1

WATER DIVISION 2-C

BACKGROUND

1. On June 10, 2022, the Department of Natural Resources (Department) issued an Order cancelling appropriation A-15191 in full.
2. No contest of the Order of Cancellation in Full was received in the Department within 30 days of issuance.
3. A review of Department records indicates the order dated June 10, 2022, cancelling surface water appropriation A-15191 **in full** was in error. The Order should have been cancellation **in part** because the Report of Field Investigation dated February 22, 2022, indicated a small tract of land had been irrigated with water diverted from Verdigre Creek within the last five years.
4. Therefore, the Order dated June 10, 2022, should be rescinded and an Order of cancellation in part be issued.
3. Pursuant to the Field Investigation Report dated February 22, 2022, the following portion of land authorized for irrigation under appropriation A-15191 had not been irrigated for at least five years:

Township 31 North, Range 06 West of the 6 th P.M. in Knox County	Acres
Section 32: NW ¹ / ₄ NW ¹ / ₄	3.5
NE ¹ / ₄ NW ¹ / ₄	17.6
SW ¹ / ₄ NW ¹ / ₄	12.0
SE ¹ / ₄ NW ¹ / ₄	<u>16.2</u>
TOTAL	49.3

ORDER

1. The Order of Cancellation In Full of appropriation A-15191 dated June 10, 2022, is hereby RESCINDED.
2. Part of appropriation A-15191 at the rate of 0.70 cfs for use upon the land described above is CANCELLED.

3. Appropriation A-15191 now authorizes the appropriator to divert water from Verdigre Creek to irrigate the 2.7 acres of land described below and depicted on map number 21046 which is made a part of this Order. The point of diversion remains in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 31 North, Range 06 West of the 6th P.M. in Knox County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.04 cfs (18 gallons per minute).

Township 31 North, Range 06 West of the 6 th P.M. in Knox County	Acres
Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.9
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>0.8</u>
TOTAL	2.7

4. All terms and conditions of previous orders for appropriation A-15191 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.

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, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

July 21, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21046 were provided to the Department's docket clerk and field office in Ord, Nebraska. Copies of this Order and map number 21046 were mailed to the following:

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