

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18246R

AND APPROVAL OF MAP NUMBER 21053

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18246R is held by CSS Farms, LLC.
2. Appropriation A-18246R has a priority date of May 21, 2004, and authorizes the use of water for irrigation of the 705.0 acres of land described below. The water may be diverted from the Niobrara River at points of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 28 and on the left bank in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29, both in Township 33 North, Range 33 West of the 6<sup>th</sup> P.M. in Cherry County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 10.07 cfs from all points of diversion.

<u>Township 33 North, Range 33 West of the 6<sup>th</sup> P.M. in Cherry County</u>	<u>Acres</u>	<u>Township 33 North, Range 33 West of the 6<sup>th</sup> P.M. in Cherry County</u>	<u>Acres</u>
Section 19: NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	34.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$	29.2
SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.9
Section 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.1	Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	24.5	SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.2
SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.6
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.1
NW $\frac{1}{4}$ NE $\frac{1}{4}$	22.2	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.3
NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.4	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.8
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0	Section 29: NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$	24.3	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>1.6</u>
NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.9	TOTAL	705.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.0		
SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.8		

3. On July 25, 2022, Adam Naslund filed relinquishment REL-9709, relinquishing the right to divert water under a portion of appropriation A-18246R to irrigate the 136 acres of land described below.

<u>Township 33 North, Range 33 West of the</u>		
<u>6<sup>th</sup> P.M. in Cherry County</u>		<u>Acres</u>
Section 19:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	34.0
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	34.0
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	34.0
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>34.0</u>
	TOTAL	136.0

ORDER

IT IS HEREBY ORDERED:

- Part of appropriation A-18246R at the rate of 1.94 cfs for use upon the 136.0 acres of land described above is CANCELLED.
- Appropriation A-18246R now authorizes the appropriator to divert water from the Niobrara River to irrigate the 569.0 acres of land described below and depicted on map number 21053 which is made a part of this Order. The points of diversion remain in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 28 and on the left bank SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 29, both in Township 33 North, Range 33 West of the 6<sup>th</sup> P.M. in Cherry County, as depicted on map number 21053. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 8.13 cfs (3,649 gallons per minute) from all points of diversion.

<u>Township 33 North, Range 33 West of the</u>			<u>Township 33 North, Range 33 West of the</u>		
<u>6<sup>th</sup> P.M. in Cherry County</u>		<u>Acres</u>	<u>6<sup>th</sup> P.M. in Cherry County</u>		
Section 20:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	6.1	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	40.0	
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	24.5	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	29.2	
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	34.0	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	36.5	
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	40.0	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	10.9	
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	22.2	Section 21:	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	10.0
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.4		SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	10.2
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	40.0		NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	36.6
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	24.3		NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	36.1
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	38.9		SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	11.3
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	40.0		SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	10.8
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	20.0	Section 29:	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	3.6
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	39.8		NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>1.6</u>
				TOTAL	569.0

3. All terms and conditions of previous orders for appropriation A-18246 remain in effect unless specifically changed by this Order.
4. 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



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Thomas E. Riley, P.E., Director

August 02, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21053 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21053 were mailed to the following:

Adam Naslund  
CSS Farms, LLC  
5911 2<sup>nd</sup> Avenue  
Kearney, Nebraska 68847