

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19678

AND APPROVAL OF MAP NUMBER 21157

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19678 is held by Jeffrey D. and Rebecca Jo Kerkman.
2. Appropriation A-19678 has a priority date of November 12, 2019, and authorizes the use of water for irrigation of the 62.4 acres of land described below. The water may be diverted from a tributary to Cedar Creek at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 24 North, Range 06 West of the 6th P.M. in Antelope 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 0.89 cfs.

<u>Township 24 North, Range 06 West of the</u>		<u>6th P.M. in Antelope County</u>	<u>Acres</u>
Section 22:	SW $\frac{1}{4}$ SW $\frac{1}{4}$		1.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$		0.6
Section 27:	NW $\frac{1}{4}$ NW $\frac{1}{4}$		34.8
	SW $\frac{1}{4}$ NW $\frac{1}{4}$		<u>25.7</u>
	TOTAL		62.4

3. On February 13, 2023, Jeffrey D. and Rebecca Jo Kerkman filed relinquishment REL-9839, relinquishing the right to divert water under a portion of appropriation A-19678 to irrigate the 60.5 acres of land described below.

<u>Township 24 North, Range 06 West of the</u>		<u>6th P.M. in Antelope County</u>	<u>Acres</u>
Section 27:	NW $\frac{1}{4}$ NW $\frac{1}{4}$		34.8
	SW $\frac{1}{4}$ NW $\frac{1}{4}$		<u>25.7</u>
	TOTAL		60.5

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-19678 at the rate of 0.86 cfs for use upon the 60.5 acres of land described above is CANCELLED.
2. Appropriation A-19678 now authorizes the appropriator to divert water from a tributary to Cedar Creek to irrigate the 1.9 acres of land described below and depicted on map number 21157 which is made a part of this Order. The point of diversion remains in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 24 North, Range 06 West of the 6th P.M. in Antelope County, as depicted on map number 21157. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.03 cfs (13 gallons per minute).

<u>Township 24 North, Range 06 West of the</u>		
<u>6th P.M. in Antelope County</u>		<u>Acres</u>
Section 22:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.3
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>0.6</u>
	TOTAL	1.9

3. All terms and conditions of previous orders for appropriation A-19678 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



Thomas E. Riley, P.E., Director

February 27, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21157 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 21157 were mailed to the following:

Jeffrey D. and Rebecca Jo Kerkman
405 P Street
Neligh, Nebraska 68756