

5. On June 25, 2015, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-13552 had not been irrigated for at least five years:

Township 32 North, Range 01 West of the 6 th P.M. in Cedar County		Acres
Section 32:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	16.3
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>21.9</u>
	TOTAL	38.2

6. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Gerald H. Potts Revocable Living Trust c/o Frank Potts, Trustee, 55217 883 Road, Bloomfield, Nebraska 68718 and Beverly J. Potts, 55217 883 Road, Bloomfield, Nebraska 68718.
7. No contest of the Preliminary Determination of Nonuse was received in the Department.
8. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation that has not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

1. Part of appropriation A-13552 at the rate of 0.55 cfs for use upon the land described below is CANCELLED.

Township 32 North, Range 01 West of the 6 th P.M. in Cedar County		Acres
Section 32:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	16.3
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>21.9</u>
	TOTAL	38.2

2. Appropriation A-13552 now authorizes the appropriator to divert water from West Bow Creek to irrigate the 138.8 acres of land described below and depicted on map number 19134 which is made a part of this Order. The points of diversion remain in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 32 North, Range 01 West of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.98 cfs (889 gallons per minute) from all points of diversion.

Township 32 North, Range 01 West of the 6 th P.M. in Cedar County		Acres
Section 32:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	32.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	21.7
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	16.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	11.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>22.0</u>
	TOTAL	138.8

3. All terms and conditions of appropriation A-13552 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is 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

August 31, 2015


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19134 were provided to the Department's docket clerk and field office in Norfolk, Nebraska. Copies of this Order and map number 19134 were mailed on August 31, 2015, to the following:

Gerald H. Potts
Revocable Living Trust
c/o Frank Potts, Trustee
55217 883 Road
Bloomfield, Nebraska 68718

Beverly J. Potts
55217 883 Road
Bloomfield, Nebraska 68718