STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-2722

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2722 is held by LaVern L. and Diane M. Scholl.

2. Appropriation A-2722 has a priority date of March 26, 1937, and authorizes the use of water for irrigation of the 40.0 acres of land described below. The water may be diverted from Beaver Creek at a point of diversion located on the right bank of the stream in the SE¼SW¼ of Section 3, Township 21 North, Range 7 West of the 6th P.M. in Boone County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 190 acres irrigated at a maximum rate of 0.21 cfs, and may not exceed 2.18 acre-feet annually per acre irrigated.

Township 21 North, Range 7 West of the 6th P.M. in Boone County		Acres
Section 3:	SW¼SW¼	5.0
	SE¼SW¼	27.0
	SW¼SE¼	8.0
	TOTAL	40.0

3. On January 9, 2015, LaVern L. and Diane M. Scholl filed relinquishment REL-5280, relinquishing the right to divert water under a portion of appropriation A-2722 to irrigate the 13.0 acres of land described below.

Township 21 North, Range 7 West of the 6th P.M. in Boone County		Acres
Section 3:	SW¼SW¼	5.0
	SE¼SW¼	6.5
	SW¼SE¼	1.5
	TOTAL	13.0

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-2722 at the rate of 0.07 cfs for use upon the land described below is CANCELLED.

Township 21 North, Range 7 West of the 6th P.M. in Boone County		Acres
Section 3:	SW¼SW¼	5.0
	SE¼SW¼	6.5
	SW¼SE¼	1.5
	TOTAL	13.0

2. Appropriation A-2722 now authorizes the appropriator to divert water from Beaver Creek to irrigate the 27.0 acres of land described below and depicted on map number 19162 which is made a part of this Order. The point of diversion remains in the SE¼SW¼ of Section 3, Township 21 North, Range 7 West of the 6th P.M. in Boone County, as depicted on map number 19162. Water diverted shall not exceed the ratio of one cfs for every 190 acres irrigated at a maximum rate of 0.14 cfs (63 gallons per minute) and may not exceed 2.18 acre-feet annually per acre irrigated.

Township 21 North, Range 7 West of the 6th P.M. in Boone County		Acres
Section 3:	SE¼SW¼	20.5
	SW¼SE¼	6.5
	TOTAL	27.0

3. Appropriation A-2722 is provided additional water fom natural flow appropriation A-17974.

4. All terms and conditions of appropriation A-2722 remain in effect unless specifically changed by this Order.

5. 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

March 27, 2015

James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19162 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 19162 were mailed on March 27, 2015, to the following:

LaVern L. and Diane M. Scholl
1920 South 110th Street
Petersburg, Nebraska 68652