

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-9499

AND APPROVAL OF MAP NUMBER 19304

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9499 is held by Lawrence Stuhr.
2. The Department has received information that Ellen M. Stuhr is the wife of Lawrence Stuhr and holds a spousal interest in appropriation A-9499.
3. Appropriation A-9499 has a priority date of May 16, 1957, and authorizes the use of water for irrigation of the 181.8 acres of land described below. The water may be diverted from Beaver Creek at points of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 01, Township 20 North, Range 07 West of the 6<sup>th</sup> P.M. in Boone 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 2.6 cfs from all points of diversion.

Township 20 North, Range 07 West of the 6 <sup>th</sup> P.M. in Boone County		Acres
Section 01:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	47.8
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	28.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	22.0
Section 02:	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>40.0</u>
	TOTAL	181.8

4. On December 5, 2014, Lawrence J. and Ellen M. Stuhr filed relinquishment REL-5286, relinquishing the right to divert water under a portion of appropriation A-9499 to irrigate the 2.5 acres of land described below.

Township 20 North, Range 07 West of the 6 <sup>th</sup> P.M. in Boone County		Acres
Section 01:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.5

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-9499 at the rate of 0.04 cfs for use upon the land described below is CANCELLED.

Township 20 North, Range 07 West of the  
6<sup>th</sup> P.M. in Boone County Acres

Section 01: SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> 2.5

2. Appropriation A-9499 now authorizes the appropriator to divert water from Beaver Creek to irrigate the 179.3 acres of land described below and depicted on map number 19304 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 01, Township 20 North, Range 07 West of the 6<sup>th</sup> P.M. in Boone County, as depicted on map number 19304. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 2.56 cfs (1,149 gallons per minute) from all points of diversion.

Township 20 North, Range 07 West of the  
6<sup>th</sup> P.M. in Boone County Acres

Section 01: NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> 47.8  
NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> 11.0  
SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> 25.5  
SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> 22.0

Section 02: SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> 33.0

NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> 40.0

TOTAL 179.3

3. All terms and conditions of appropriation A-9499 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

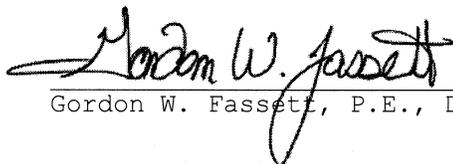
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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 24, 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 19304 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 19304 were mailed on August 24, 2015, to the following:

Lawrence Stuhr  
2249 220<sup>th</sup> Avenue  
Albion, Nebraska 68620

Douglas Stuhr  
2086 221st Street  
Albion, Nebraska 68620

Ellen M. Stuhr  
2249 220<sup>th</sup> Avenue  
Albion, Nebraska 68620