

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-12146

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that a portion of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, Township 11 North, Range 7 West of the 6<sup>th</sup> P.M. in Hamilton County appurtenant to surface water appropriation A-12146 is owned by the Michael D. Bjorkman Irrevocable Trust.
2. Records on file in the Department show that a portion of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, Township 11 North, Range 7 West of the 6<sup>th</sup> P.M. in Hamilton County appurtenant to surface water appropriation A-12146 is owned by Leon E. Cederlind.
3. Appropriation A-12146 has a priority date of January 26, 1971, and authorizes the use of water for irrigation of the 36.0 acres of land described below. The water may be diverted from Lincoln Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, Township 11 North, Range 7 West of the 6<sup>th</sup> P.M. in Hamilton 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 0.51 cfs.

Township 11 North, Range 7 West of the  
6<sup>th</sup> P.M. in Hamilton County                      Acres

Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$     36.0

4. On May 27, 2014, Heritage Bank, Trustee of the Michael D. Bjorkman Irrevocable Trust, filed relinquishment REL-5080, relinquishing the right to divert water under a portion of appropriation A-12146 to irrigate the 5.8 acres of land described below.

Township 11 North, Range 7 West of the  
6<sup>th</sup> P.M. in Hamilton County                      Acres

Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$     5.8

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-12146 at the rate of 0.08 cfs for use upon the land described below is CANCELLED.

Township 11 North, Range 7 West of the  
6<sup>th</sup> P.M. in Hamilton County Acres

Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$  5.8

2. Appropriation A-12146 now authorizes the appropriator to divert water from Lincoln Creek to irrigate the 30.2 acres of land described below and depicted on map number 18821 which is made a part of this Order. The point of diversion remains in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, Township 11 North, Range 7 West of the 6<sup>th</sup> P.M. in Hamilton County, as depicted on map number 18821. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.43 cfs (193 gallons per minute).

Township 11 North, Range 7 West of the  
6<sup>th</sup> P.M. in Hamilton County Acres

Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$  30.2

3. All terms and conditions of appropriation A-12146 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

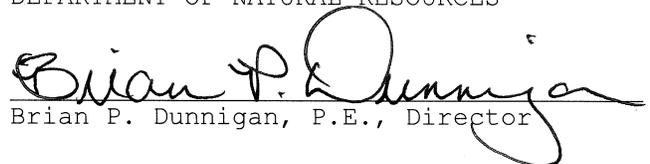
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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

September 4, 2014

  
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18821 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18821 were mailed on September 4, 2014, to the following:

Heritage Bank, Trustee  
Michael D. Bjorkman Irrv. Trust  
1101 12<sup>th</sup> Street  
Aurora, NE 68818

Leon E. Cederlind  
807 W. 15<sup>th</sup> Road  
Phillips, NE 68865