

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-5625

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Larry Zimmer owns a portion of the land located in the SW $\frac{1}{4}$ of Section 33, Township 12 North, Range 16 West of the 6th P.M. in Buffalo County appurtenant to surface water appropriation A-5625.
2. Records on file in the Department show that Kenneth J. and June Kantor own a portion of the land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 11 North, Range 16 West of the 6th P.M. in Buffalo County appurtenant to surface water appropriation A-5625.
3. A review of the Department's records indicates a scrivener's error was made on the Order dated May 24, 1954, approving map number 6770 for appropriation A-5625. The location of diversion is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 11 North, Range 16 West of the 6th P.M. in Buffalo County; it was incorrectly listed as the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said legal description.
4. Appropriation A-5625 has a priority date of October 5, 1953, and authorizes the use of water for irrigation of the 141.7 acres of land described below. The water may be diverted from the South Loup River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 11 North, Range 16 West of the 6th P.M. in Buffalo County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 120 acres irrigated at a maximum rate of 1.18 cfs.

Township 12 North, Range 16 West of the
6th P.M. in Buffalo County Acres

Section 33: NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	23.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	19.0

Township 11 North, Range 16 West of the
6th P.M. in Buffalo County Acres

Section 4: NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>21.7</u>
TOTAL	141.7

5. On February 26, 2015, Larry Zimmer filed relinquishment REL-5316, relinquishing the right to divert water under a portion of appropriation A-5625 to irrigate the 120 acres of land described below.

<u>Township 12 North, Range 16 West of the</u>		
<u>6th P.M. in Buffalo County</u>		<u>Acres</u>
Section 33:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	23.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>19.0</u>
		120.0

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-5625 at the rate of 1.0 cfs for use upon the land described below is CANCELLED.

<u>Township 12 North, Range 16 West of the</u>		
<u>6th P.M. in Buffalo County</u>		<u>Acres</u>
Section 33:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	23.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>19.0</u>
		120.0

2. Appropriation A-5625 now authorizes the appropriator to divert water from the South Loup River to irrigate the 21.7 acres of land described below and depicted on map number 19195 which is made a part of this Order. The point of diversion remains in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 11 North, Range 16 West of the 6th P.M. in Buffalo County, as depicted on map number 19195. Water diverted shall not exceed the ratio of one cfs for every 120 acres irrigated at a maximum rate of 0.18 cfs (81 gallons per minute).

<u>Township 11 North, Range 16 West of the</u>		
<u>6th P.M. in Buffalo County</u>		<u>Acres</u>
Section 4:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	21.7

3. All terms and conditions of appropriation A-5625 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

March 26, 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 19195 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19195 were mailed on March 26, 2015, to the following:

Larry Zimmer
31675 Grove Road
Pleasanton, Nebraska 68866

Kenneth J. and June Kantor
1520 East 42nd Street
Kearney, Nebraska 68847