

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18528

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18528 is held by Dean A. and Carol M. Wolff.
2. Appropriation A-18528, with a priority date of August 13, 2007, authorizes the use of water for irrigation of the 13.4 acres of land described below. The water may be diverted from a tributary to the Elkhorn River at a point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, Township 23 North, Range 1 West of the 6<sup>th</sup> P.M. in Madison County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.19 cfs.

Township 23 North, Range 1 West of the  
6<sup>th</sup> P.M. in Madison County Acres

Section 8: SE $\frac{1}{4}$ SW $\frac{1}{4}$  13.4

3. The approval of appropriation A-18528 was conditional upon the irrigation of the above lands by September 1, 2010.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18528 had not been irrigated by September 1, 2010.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18528 at the rate of 0.07 cfs for use upon the land described below is CANCELLED.

Township 23 North, Range 1 West of the  
6<sup>th</sup> P.M. in Madison County Acres

Section 8: SE $\frac{1}{4}$ SW $\frac{1}{4}$  5.1

2. Appropriation A-18528 now permits the appropriator to divert water from a tributary to the Elkhorn River to irrigate the 8.3 acres of land described below and depicted on map number 17757 which is made a part of this Order. The point of diversion remains in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, Township 23 North, Range 1 West of the 6<sup>th</sup> P.M. in Madison County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.12 cfs (54 gallons per minute).

Township 23 North, Range 1 West of the  
6<sup>th</sup> P.M. in Madison County Acres

Section 8: SE $\frac{1}{4}$ SW $\frac{1}{4}$  8.3

3. All terms and conditions of appropriation A-18528 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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

January 12, 2011

  
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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 17757 were provided to the Department's field office in Norfolk, Nebraska. Copies of the field investigation, this Order and map number 17757 were mailed on January 12, 2011, to the following:

Dean A. and Carol M. Wolff  
3108 W. South Airport Road  
Norfolk, Nebraska 68701