

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18610

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18610 is held by Russell Schmidt.
2. Appropriation A-18610, with a priority date of September 2, 2008, authorizes the use of water for irrigation of the 115.9 acres of land described below. The water may be diverted from the Schmidt Reservoir (storage appropriation A-16454) located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 33 North, Range 1 East of the 6th P.M. in Cedar County. Water diverted shall not exceed 38.36 acre-feet per year.

Land under A-18610 which is also
approved for irrigation under natural
flow appropriation A-18659:

Township 33 North, Range 1 West of the 6 th P.M. in Cedar County		Acres
Section 36:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.4
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>27.6</u>
	TOTAL	38.0

Land under A-18610 which only receives
water from storage:

Township 33 North, Range 1 East of the 6 th P.M. in Cedar County		Acres
Section 31:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	12.6
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27.4
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>37.9</u>
	TOTAL	77.9

3. The approval of appropriation A-18610 was conditional upon the irrigation of the above lands by September 1, 2011.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18610 had not been irrigated by September 1, 2011.
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-18610 for use upon the land described below is CANCELLED.

Land under A-18610 which is also approved for irrigation under natural flow appropriation A-18659:

<u>Township 33 North, Range 1 West of the</u>		
<u>6th P.M. in Cedar County</u>		<u>Acres</u>
Section 36:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>3.2</u>
	TOTAL	4.8

Land under A-18610 which only receives water from storage:

<u>Township 33 North, Range 1 East of the</u>		
<u>6th P.M. in Cedar County</u>		<u>Acres</u>
Section 31:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.2
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>1.2</u>
	TOTAL	10.1

2. Appropriation A-18610 now permits the appropriator to divert water from Schmidt Reservoir (storage appropriation A-16454) to irrigate the 101.0 acres of land described below and depicted on map number 18084 which is made a part of this Order. The point of diversion remains in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 33 North, Range 1 East of the 6th P.M. in Cedar County. Water diverted shall not exceed 38.36 acre-feet per year.

Land under A-18610 which is approved for irrigation under natural flow appropriation A-18659:

<u>Township 33 North, Range 1 West of the</u>		
<u>6th P.M. in Cedar County</u>		<u>Acres</u>
Section 36:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.8
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>24.4</u>
	TOTAL	33.2

Land under A-18610 which only receives water from storage:

<u>Township 33 North, Range 1 East of the</u>		
<u>6th P.M. in Cedar County</u>		<u>Acres</u>
Section 31:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.4
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	23.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>36.7</u>
	TOTAL	67.8

A-18610 Cancel In Part BU Schmidt

sw - _____ - (10635 + 11105)- ord

fir - _____ - 591 - ord

3. All terms and conditions of appropriation A-18610 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

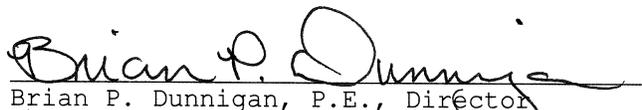
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

April 25, 2012


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 18084 were provided to the Department's field office in Norfolk, Nebraska. Copies of the field investigation, this Order and map number 18084 were mailed on April 25, 2012, to the following:

Russell Schmidt
89498 558 Avenue
Yankton SD 57078