

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-11156

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11156 is held by Frank M. and Lurlie E. Campbell.
2. Appropriation A-11156 with a priority date of May 31, 1967, authorizes the use of water for irrigation of the 167.0 acres of land described below. The water may be diverted from the South Loup River at points of diversion located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 12 North, Range 13 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed 2.39 cubic feet per second (cfs) from all points of diversion.

<u>Township 12 North, Range 13 West of the</u>		
<u>6th P.M. in Buffalo County</u>		<u>Acres</u>
Section 4:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.5
Section 9:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.5
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	41.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	41.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>40.0</u>
	TOTAL	167.0

3. The Department has received information concerning the use of surface water appropriation A-11156 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

4. On May 24, 2011, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-11156 had not been irrigated for at least five years:

Township 12 North, Range 13 West of the 6 th P.M. in Buffalo County		Acres
Section 4:	SW ¹ / ₄ SW ¹ / ₄	3.5
Section 9:	NW ¹ / ₄ NW ¹ / ₄	13.0
	NE ¹ / ₄ NW ¹ / ₄	1.5
	SW ¹ / ₄ NW ¹ / ₄	41.0
	SE ¹ / ₄ NW ¹ / ₄	41.0
	NW ¹ / ₄ SW ¹ / ₄	10.0
	NE ¹ / ₄ SW ¹ / ₄	<u>40.0</u>
	TOTAL	150.0

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Frank M. Campbell, 36685 Sometown Road, Ravenna, Nebraska 68869; Lurlie E. Campbell, 37125 Sometown Road, Ravenna, Nebraska 68869; Rhonda Campbell, 1501 North 208th Terrace, Elkhorn, Nebraska 68022; Nebraska National Bank, P.O. Box 397, Kearney, Nebraska 68848; and Lee Jacobsen, State Bank of Cairo, P.O. Box 428, Cairo, Nebraska 68824.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-11156 at the rate of 2.14 cfs for use upon the land described below is CANCELLED.

Township 12 North, Range 13 West of the 6 th P.M. in Buffalo County		Acres
Section 4:	SW ¹ / ₄ SW ¹ / ₄	3.5
Section 9:	NW ¹ / ₄ NW ¹ / ₄	13.0
	NE ¹ / ₄ NW ¹ / ₄	1.5
	SW ¹ / ₄ NW ¹ / ₄	41.0
	SE ¹ / ₄ NW ¹ / ₄	41.0
	NW ¹ / ₄ SW ¹ / ₄	10.0
	NE ¹ / ₄ SW ¹ / ₄	<u>40.0</u>
	TOTAL	150.0

2. Appropriation A-11156 now authorizes the appropriator to divert water from the South Loup River to irrigate the 17.0 acres of land described below and depicted on map number 17923 which is made a part of this Order. The points of diversion remain in the NW¹/₄NW¹/₄ and NE¹/₄NW¹/₄ of Section 9, Township 12 North, Range 13 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 0.25 cfs (112 gallons per minute) from all points of diversion.

Township 12 North, Range 13 West of the 6 th P.M. in Buffalo County		Acres
Section 4:	SW ¹ / ₄ SW ¹ / ₄	8.0
Section 9:	NW ¹ / ₄ NW ¹ / ₄	7.5
	NE ¹ / ₄ NW ¹ / ₄	<u>1.5</u>
	TOTAL	17.0

3. All terms and conditions of appropriation A-11156 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

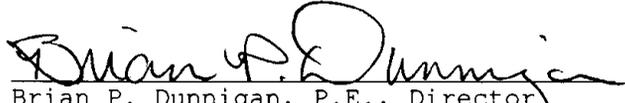
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

July 22, 2011


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 17923 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 17923 were mailed on July 22, 2011, to the following:

Frank M. Campbell
36685 Sodtown Road
Ravenna, Nebraska 68869

Nebraska National Bank
P.O. Box 397
Kearney, Nebraska 68848

Lurlie E. Campbell
37125 Sodtown Road
Ravenna, Nebraska 68869

Lee Jacobsen
State Bank of Cairo
P.O. Box 428
Cairo, Nebraska 68824

Rhonda Campbell
1501 North 208th Terrace
Elkhorn, Nebraska 68022