

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER VACATING ORDER OF CANCELLATION DATED MARCH 18, 2008, AND
CANCELLATION IN FULL OF WATER APPROPRIATIONS A-12507A, A-12507B AND A-12507C
WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12507A is held by Carl G. Marks.
2. Records on file in the Department show that surface water appropriation A-12507B is held by John S. and Margaret A. Traudt.
3. Records on file in the Department show that surface water appropriation A-12507C is held by the Douglas M. Foss Trust.
4. A review of the Department's records indicates a scrivener's error was made relating to the number of acres and ownership of different portions of appropriation A-12507. This affects the previous cancellation of appropriation A-12507C. The Department has received relinquishments for all appurtenant land under appropriations A-12507A, A-12507B and A-12507C.
5. Appropriation A-12507A has a priority date of February 15, 1972, and authorizes the use of water for irrigation of the 10.8 acres of land described below. The water may be diverted from a tributary to the East Branch of Salt Creek at points of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 8 North, Range 7 East of the 6th P.M. in Lancaster 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 combined rate of 0.15 cfs from all points of diversion.

Township 8 North, Range 7 East of the 6 th P.M. in Lancaster County	Acres
Section 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.2
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>4.6</u>
TOTAL	10.8

6. On November 23, 2011, Carl G. Marks filed a Relinquishment of Water Appropriation, REL-2224, in the office of the Department relinquishing the right to divert water under appropriation A-12507A for use upon the land described above.

7. Appropriation A-12507B has a priority date of February 15, 1972, and authorizes the use of water for irrigation of the 10.8 acres of land described below. The water may be diverted from a tributary to the East Branch of Salt Creek at points of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 8 North, Range 7 East of the 6th P.M. in Lancaster 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 combined rate of 0.15 cfs from all points of diversion.

Township 8 North, Range 7 East of the 6 th P.M. in Lancaster County		Acres
Section 14:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.8
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>10.0</u>
	TOTAL	10.8

8. On November 30, 2011, John S. and Margaret A. Traudt filed a Relinquishment of Water Appropriation, REL-2231, in the office of the Department relinquishing the right to divert water under appropriation A-12507B for use upon the land described above.

9. Appropriation A-12507C has a priority date of February 15, 1972, and authorizes the use of water for irrigation of the 21.4 acres of land described below. The water may be diverted from a tributary to the East Branch of Salt Creek at points of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 8 North, Range 7 East of the 6th P.M. in Lancaster 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 combined rate of 0.31 cfs from all points of diversion.

Township 8 North, Range 7 East of the 6 th P.M. in Lancaster County		Acres
Section 14:	SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>16.0</u>
	TOTAL	21.4

10. On November 28, 2011, Douglas M. Foss, Trustee of the Douglas M. Foss Trust, filed a Relinquishment of Water Appropriation, REL-2225, in the office of the Department relinquishing the right to divert water under appropriation A-12507C for use upon the land described above.

ORDER

IT IS HEREBY ORDERED:

1. The Order of Cancellation of appropriation A-12507C dated March 18, 2008, is SET ASIDE.
2. Appropriation A-12507A is CANCELLED.
3. Appropriation A-12507B is CANCELLED.
4. Appropriation A-12507C is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

January 13, 2012


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed on January 13, 2012, to the following:

Carl G. Marks
RR 1 Box 148A-1
Roca, Nebraska 68430

John S. and Margaret A. Traudt
9303 Wittstruck Road
Roca, Nebraska 68430

Douglas M. Foss, Trustee
Douglas M. Foss Trust
51 Dartmouth Drive
Rancho Mirage, California 92270